pensation certificates in cash at full face value; to the Committee on Ways and Means.

8843. By Mr. HALE: Petition of Arthur R. Morrill and 27 additional registered voters of Manchester, in the first congressional district of New Hampshire, expressing complete and hearty accord with House bill 7884; to the Committee on the District of Columbia.

8844. By Mr. HOGG of West Virginia: Petition of Williamstown Council, No. 87, Junior Order of United American Mechanics, of Williamstown, W. Va., favoring quota restriction from Mexico; to the Committee on Immigration and Naturalization.

8845. By Mr. HUDSON: Petition of citizens of Detroit and Flint, Mich., urging the passage of House bill 7884 exempting dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8846. By Mr. JOHNSON of Nebraska: Petition of 143 citizens of Furnas County, Nebr., supporting House Joint Resolution 356; to the Committee on the Judiciary.

8847. By Mr. MEAD: Petition of western division, United States Chamber of Commerce, urging passage of House bill 12404, the Leavitt bill; to the Committee on the Public Lands.

8848. By Mr. MICHENER: Petition of sundry citizens of Wayne County, Mich., favoring the passage of House bill 7884; to the Committee on the District of Columbia.

8849. By Mr. O'CONNOR of New York: Resolutions of sundry citizens of the city of New York in support of House bill 7884; to the Committee on the District of Columbia.

8850. By Mrs. RUTH PRATT: Petition of voters of the seventeenth congressional district of New York, urging the passage of House bill 7884, for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8851. By Mr. SANDLIN: Petition signed by ex-service men of Shreveport, La., requesting immediate cash payment of adjusted-service certificates; to the Committee on Ways and Means.

8852. By Mr. WELCH of California: Petition of sundry citizens of the fifth congressional district, San Francisco, Calif., urging the enactment of House bill 7884 to exempt dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8853. By Mr. YATES: Petition of J. W. Rizzie, president the First National Bank, Benld, Ill., urging the passage of the Glenn-Smith bill, S. 4123, intended to give relief to drainage districts; to the Committee on Irrigation and Reclamation.

8854. Also, petition of J. R. Shoat Milling Co., Thirty-eighth and Hall Streets, Chicago, Ill., protesting the passage of House bill 15618, which is designed to further regulate the grain exchange; to the Committee on Agriculture.

8855. Also, petition of N. H. Jamieson, 2029 Sixth Avenue, Moline, Ill., urging the passage of the proposed Speaks-Capper amendment to eliminate unnaturalized aliens in making apportionment; to the Committee on the Judiciary.

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# SENATE

## MONDAY, JANUARY 26, 1931

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Blessed art Thou, O Lord, for that Thou hast called us to this ministry, in which we dedicate anew our desires and hopes, our powers and our very life unto the holy and loving service of our God and of our country. May it be our pain to lose Thee, our only gain to love Thee more and more. Bestow upon us whatsoever Thou seest we need and make us fit to receive the good Thou desirest to give.

Help us to realize that life without urge is darkness, that urge without knowledge is blind, that knowledge without work is vain, that work without love is empty, and that though we speak with the tongues of men and of angels and love not our message we do but muffle the ears of men to the voices of the day and the gentle whispers of the night. Grant to us, therefore, that the words of our mouth and the meditations of our heart may be now and always acceptable unto Thee, O Lord, our strength and our Redeemer. Amen.

### THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, January 21, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Deneen | Johnson | Pittman |
| Barkley | Dill | Jones | Ransdell |
| Bingham | Fess | Kean | Robinson, Ark. |
| Black | Fletcher | Kendrick | Sheppard |
| Blaine | Frazier | Keyes | Shipstead |
| Blease | George | King | Shortridge |
| Borah | Gillett | La Follette | Smith |
| Bratton | Glass | McGill | Steiwer |
| Brock | Glenn | McKellar | Stephens |
| Brookhart | Goff | McMaster | Swanson |
| Broussard | Goldsborough | McNary | Thomas, Idaho |
| Bulkley | Gould | Metcalf | Thomas, Okla. |
| Capper | Hale | Morrison | Trammell |
| Caraway | Harris | Morrow | Tydings |
| Carey | Harrison | Moses | Vandenberg |
| Connally | Hastings | Norris | Walsh, Mass. |
| Copeland | Hatfield | Nye | Walsh, Mont. |
| Couzens | Hawes | Oddie | Waterman |
| Cutting | Hayden | Partridge | Watson |
| Dale | Heflin | Phipps | Wheeler |
| Davis | Howell | Pine | Williamson |

Mr. WATSON. I desire to announce that my colleague the junior Senator from Indiana [Mr. ROBINSON] is absent on account of illness in his family.

Mr. FESS. I was requested to announce that the Senator from South Dakota [Mr. NORBECK], the Senator from Connecticut [Mr. WALCOTT], and the Senator from Delaware [Mr. TOWNSEND] are detained in a meeting of the Committee on Banking and Currency.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

### SENATOR FROM WYOMING

The VICE PRESIDENT laid before the Senate the credentials of ROBERT D. CAREY, chosen a Senator from the State of Wyoming for the term commencing March 4, 1931, which were read and ordered to be filed, as follows:

THE STATE OF WYOMING,
EXECUTIVE DEPARTMENT,
*Cheyenne.*

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1930, ROBERT D. CAREY was duly chosen by the qualified electors of the State of Wyoming a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1931.

Witness: His excellency our governor, Frank C. Emerson, and our seal hereto affixed at Cheyenne, in the State of Wyoming, this 4th day of December, A. D. 1930.

FRANK C. EMERSON, *Governor.*

By the governor:
[SEAL.] A. M. CLARK, *Secretary of State.*
By H. M. SYMONS, *Deputy.*

### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Agriculture and Forestry:

Joint resolution memorializing Congress to pass the pending measure for the relief of drainage and flood-control districts

Whereas there is now pending in Congress a bill known as House File No. 11718, Senate File No. 4123, providing for aiding farmers in regions which have been drained or protected by flood-control works by the making of loans to counties, drainage districts, and other political subdivisions in such regions for the purpose of redeeming bonds and other obligations issued in payment for drainage or flood-control works, and interest thereon; and

Whereas under present agricultural conditions the payment of such bonds and other obligations and interest thereon has become difficult or impossible in many parts of the State of Minnesota

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affected thereby by reason of the inability of farmers to meet their taxes and assessments, and the tax burdens of such regions have thereby been increased beyond the capacity of farmers generally to pay, and the agricultural depression in such regions has thereby been greatly aggravated: Therefore be it

*Resolved by the House of Representatives of the State of Minnesota (the Senate concurring)*, That we most earnestly urge the Congress of the United States to pass said pending measure at the earliest possible time; further

*Resolved*, That the secretary of state of Minnesota be instructed to send copies of this resolution to both Houses of Congress and to each Member in Congress from the State of Minnesota.

OSCAR A. SWENSEN,
*Speaker of the House of Representatives.*
HENRY ARENS,
*President of the Senate.*

Passed the house of representatives the 20th day of January, 1931.

JOHN I. LEVIN,
*Chief Clerk House of Representatives.*

Passed the senate the 21st day of January, 1931.

G. H. SPAETH,
*Secretary of the Senate.*

Approved January 21, 1931.

FLOYD B. OLSON, *Governor.*

Filed January 21, 1931.

MIKE HOLM, *Secretary of State.*

I, Mike Holm, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original resolution in my office of House File No. 35, being Resolution No. 2, Laws 1931, and that said copy is a true and correct transcript of said resolution and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in St. Paul, this 23d day of January, A. D. 1931.

[SEAL.] MIKE HOLM, *Secretary of State.*

The VICE PRESIDENT also laid before the Senate the following resolution of the House of Representatives of the State of Nebraska, which was referred to the Committee on Agriculture and Forestry:

A resolution memorializing the Congress of the United States to pass, and the President of the United States to approve if passed, the Muscle Shoals bill now pending (by Representative Marion J. Cushing)

Whereas there is now pending in the Congress of the United State a bill providing for the operation by the United States Government of the gigantic Muscle Shoals power plant for the generation of electric current and the production of nitrates; and

Whereas the enactment into law of this bill will make possible the production at cost of nitrates used in fertilizers for farm purposes and keep out of the control of any power trust this gigantic power project, for which the people of the United States have paid over a hundred million dollars; and

Whereas the operation of this power project by the United States Government will set the pace for private power companies and thereby not only reduce the price of electric light and power to those cities and towns which will be able to buy current direct from this project but will prevent private power companies from charging unfair rates: Therefore be it

*Resolved by the House of Representatives of the State of Nebraska—*

SECTION 1. That we hereby memorialize and petition the Congress of the United States to pass, and the President of the United States to approve if passed, the Muscle Shoals bill proposed and introduced by Senator GEORGE W. NORRIS, of Nebraska.

SEC. 2. That certified copies of this resolution be sent to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and each of the United States Senators and Representatives from Nebraska.

The foregoing resolution was adopted by the house of representatives of the forty-seventh session of the legislature this 25th day of January, 1931.

FRANK P. CORRICK,
*Chief Clerk.*

The VICE PRESIDENT also laid before the Senate a communication from Guerino Cupo, of Brooklyn, N. Y., suggesting measures to be adopted relative to unemployment, unemployment insurance, the eighteenth amendment to the Consitution, holdups, medical and dental attention in the schools, railroads, farming, commission merchants, the high cost of living, large corporations and their profits (income tax), immigration, etc., which was referred to the Committee on Education and Labor.

He also laid before the Senate a communication from Levi Cooke, of Cooke & Beneman, attorneys, of Washington, D. C., transmitting a memorandum regarding the streetcar situation in the extension of the Capitol Grounds, signed and executed by the presidents of the Capital Traction Co. and Washington Railway & Electric Co., respectively, which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds.

Mr. JONES presented petitions numerously signed by sundry citizens of the State of Washington, praying for passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. HALE presented petitions of sundry citizens of Biddeford and Gardner, Me., praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. COPELAND presented petitions numerously signed by sundry citizens of the State of New York, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BLAINE presented petitions numerously signed by sundry citizens of the State of Wisconsin, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. GOLDSBOROUGH presented petitions numerously signed by sundry citizens of the State of Maryland, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Baltimore City, Md., praying for the ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented a resolution adopted by the Chamber of Commerce of Hays, Kans., favoring the passage of legislation imposing an import duty on crude oil, which was referred to the Committee on Finance.

Mr. WALCOTT presented petitions of the Friendly Union of the Wesley Methodist Church, of Warehouse Point, and the Woman's Christian Temperance Unions, of Middlefield and Portland, in the State of Connecticut, praying for the passage of legislation for the Federal supervision of motion-picture films, which were referred to the Committee on Interstate Commerce.

He also presented the petition of Michael J. Comcowich Post, No. 597, Veterans of Foreign Wars of the United States, of Ansonia, Conn., praying for the passage of legislation to authorize the immediate payment in cash of adjusted-service certificates of World War veterans, which was referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Unions, of New Haven and Westville, the Woman's City Club, of Norwich, and sundry citizens of New Haven, Fairfield, Southport, Hartford, West Hartford, Clinton, New Canaan, Unionville, and Bristol, all in the State of Connecticut, praying for the ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented petitions numerously signed by sundry citizens of Hartford, Middlefield, East Hartford, West Hartford, Windsor, Elmwood, South Manchester, Stamford, New Haven, Manchester, Greenwich, Norwalk, Bethel, Glenbrook, Rowayton, New Canaan, Newington, Wethersfield, Westport, Bridgeport, and East Hampton, all in the State of Connecticut, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

RETIREMENT OF ADJUSTED-COMPENSATION CERTIFICATES

Mr. McKELLAR. I send to the desk resolutions adopted by the American Legion, McKenzie Post, No. 37, in favor of retiring the adjusted-compensation certificates issued to the veterans of the World War. I wish to say that I am heartily in favor of the proposal and I hope that the Congress before it adjourns will enact such legislation so that these obligations to the soldiers already declared by the Government shall be paid to them at this time when it is so necessary.

I ask that the letter and resolutions may be printed in the RECORD.

There being no objection, the letter and resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

MCKENZIE, TENN., *January 22, 1931.*

Hon. KENNETH MCKELLAR,
*Washington, D. C.*

DEAR SIR: I am forwarding you copy of the resolutions passed by McKenzie Post, No. 37, American Legion, Department of Tennessee, at the regular business meeting January 20, 1931, asking Congress to pay off the adjusted-compensation certificates now held by veterans of the World War. It is desired by all members of the post that the certificate be paid off in cash at face value.

The post also desires that you support immediate action on amendments to World War veterans' act giving pensions to widows and orphans and service-connected chronic constitutional disabled to January 1, 1925, and immediate action on hospital construction program and provide hospitalization for all non-service-connected cases.

Yours very truly,

GORDON SPARKS,
*Adjutant American Legion Post, No. 37.*

Whereas owing to the present unparalleled financial and economical depression in the United States there are thousands of World War veterans who are unemployed and they and their dependents are in dire want; and

Whereas the United States Government within the three or four years following the World War adjusted in cash all of the claims of the war contracts, shipbuilders, railroads, and others who dealt with or had any claims involving property rights against the Government; and

Whereas on the other hand the Government very tardily and only in response to a widespread and vigorous demand on the part of a large proportion of the public adjusted the services of the veterans of the World War, which services were rendered in toil, sweat, and blood, on a much smaller proportional basis and then gave certificates payable in 1945 in payment thereof: Now, therefore, be it

*Resolved by the members of McKenzie Post, No. 37, Department of Tennessee of the American Legion, in regular meeting assembled,* That we hereby petition the Congress of the United States to immediately provide for the retirement and payment of the adjusted-compensation certificates issued to the veterans of the World War during the calendar year of 1931 with option to those that do not desire cash to retain their certificates.

CLAUDE H. EDGAR, *Commander.*
GORDON SPARKS, *Adjutant.*

DROUGHT RELIEF

Mr. MCKELLAR. I ask permission to have printed in the RECORD a letter from Judge James Tipton, of Brownsville, Tenn., with reference to drought-relief measures which are now pending in Congress.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

HARD ROAD COMMISSION OF HAYWOOD COUNTY,
*Brownsville, Tenn., January 24, 1931.*

Senator K. D. MCKELLAR,
*Washington, D. C.*

DEAR SEATOR: I am writing you relative to drought-relief measures which are under consideration and have been passed by the Congress, and note that arrangements have been made for headquarters to be opened in Memphis, Tenn., through which funds are to be expended in the territory adjacent to Memphis, Tenn.

Up to January 1, 1931, the local Red Cross of this (Haywood) county has cared for and practically maintained some four or five hundred families with food and clothing. Without this relief they would have suffered greatly. The Red Cross fund is about exhausted and local relief and contributions are practically impossible.

About 65 per cent of the population of Haywood County, Tenn., consists of colored people, the biggest portion of which live on farms as share croppers and who are dependent upon the white element for maintenance. This county is wholly dependent upon its cotton and other agricultural products for the largest part of revenue received, and you are thoroughly familiar with agricultural conditions that exist in this and other sections of the South.

Haywood County people have made great sacrifices and contributed all they can toward relieving the present situation, and it is very evident that we get some relief through the Federal Government, and I sincerely trust that you will lend your efforts toward helping us in the distribution of any relief that the Government may give. Assuring you of my appreciation for your consideration of my people in this matter, I am,

Your friend,

JAMES TIPTON.

RAILROAD CONSOLIDATIONS

Mr. BLACK. Mr. President, I send to the desk a letter from Hon. R. V. Taylor, a former member of the Interstate Commerce Commission, which I ask may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the letter was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

POINT CLEAR, ALA., *January 22, 1931.*

Hon. HUGO BLACK,
*Washington, D. C.*

DEAR SENATOR: In regard to railroad consolidations which have been referred to in letters passing between us, I beg to say in an attempt to qualify myself to express an opinion upon this important subject that when the Government assumed control of the railroads on January 1, 1918, I had been for something more than 40 years in the service of the Mobile & Ohio Railroad Co. in various capacities and was at that time its vice president and general manager. I also held a similar position with the Southern Railway in Mississippi. The Government required me to resign both of these positions to accept that of Federal manager of a small group of southern railroads. At the termination of Government control I found the corporate positions which I had occupied prior to its beginning had been otherwise filled and my railroad career ended.

Among the activities in which I was later engaged was that of mayor of Mobile, Ala. While occupying this position it became my duty to appear during January, 1924, before the Interstate Commerce Commission to protest against what I believed to be an unlawful grouping of certain of the lines of railroads reaching Mobile, greatly to the injury of the public interest, which had been placed in my hands in a tentative plan which had been prepared and published by the commission. While I was personally appealing to the commission for protection from the ills with which my people were threatened, I became painfully impressed with the fact that, either from lack of power or inclination, the commission did not intend to complete the work of consolidating the railroads into a limited number of systems, as ordered by Congress.

The mandate of Congress to the commission was that it should prepare, publish, and "adopt a plan for the consolidation of the railroad properties of the continental United States into a limited number of systems." The commission obeyed these instructions to the extent of preparing and publishing a plan, but then stopped, perhaps, because its members had become convinced that the railroads would not comply with any grouping arranged by the commission which in any way interfered with their purposes; and the commission asked Congress to relieve it of the duty, which request was not complied with. As mayor of Mobile, I then appealed to Senator Underwood to so change the law that the commission would be given the necessary power to require the railroads to comply with the purposes of the consolidation plan. His reply to me was that, as one of the creators of the act, he felt certain that the commission had all of the power necessary to complete the work that Congress had ordered it to do; that when Congress empowered the commission to suspend the operation of the antitrust laws as to any consolidation of which it approved, with the necessary corollary of the duty of enforcing these laws with respect to any consolidation of which it did not approve, it placed in the hands of the commission a sword of such effectiveness that no one would dare to challenge its power. This correspondence with Senator Underwood was, no doubt, the cause of President Coolidge, in the latter part of 1925, inviting me to call at the White House with him, when he offered me an appointment to the commission to fill out part of a term to be created by the resignation of a commissioner.

As soon after my induction into office as I had time to become familiar with the law, I became deeply impressed with the fact that the instructions of Congress required the commission to determine before approving of any consolidation that it would be in the public interest, and as defining what that meant, said that in any consolidation approved "competition shall be preserved as fully as possible, and wherever practicable the existing routes and channels of trade and commerce shall be maintained." To arm the commission with power to carry out its mandate Congress further said "the carriers affected by any order made under the foregoing provisions of this section and any corporation organized to effect a consolidation approved and authorized in such order shall be, and they are hereby, relieved from the operation of the antitrust laws."

I was permitted to serve on the commission for only a little more than a half term, but a few days before President Hoover appointed my successor the long-delayed plan was adopted—nearly 10 years after the commission had been instructed to do it. One of the troublesome questions before the commission in arriving at this conclusion was the allocation of the Western Maryland Railroad. This line was originally constructed by the municipality of Baltimore in an effort to free this port from the monopoly of the Baltimore & Ohio Railroad Co. When disposed of by that city one of the terms of sale was that it should never pass under the control of any corporation then owning a line to either Baltimore or Philadelphia. Notwithstanding these conditions, and the further fact that it is absolutely contrary to law for one carrier to buy a competing line, the Baltimore & Ohio Railroad Co. purchased control of the Western Maryland. In its adopted plan the Interstate Commerce Commission grouped the Western Maryland Railway, the Pittsburgh & West Virginia Railway, and the Wheeling & Lake Erie Railway in system No. 7, Wabash-

Seaboard, and ordered the Baltimore & Ohio to dispossess itself of its holdings in Western Maryland Railway. This was done for the purpose of creating a short line between the Atlantic Ocean at Baltimore and the Great Lakes at Toledo, to be operated under one management in active competition to the Baltimore & Ohio Railroad. What did the railroad barons do about this? Did they accept it? Not at all. History often repeats itself. The three great triumvirs—Mark Anthony, Lepidus, and Octavius—parceled out the civilized world between themselves. In like manner Mr. Crowley, of the New York Central; General Atterbury, of the Pennsylvania; Mr. Willard, of the Baltimore & Ohio Railroad; and the Van Sweringens, of the Nickle Plate, met together and distributed the eastern railroads among themselves in a way to accord with their own purposes without regard to the public interest, and in defiance of the law and the act of the Interstate Commerce Commission. They determined that the Western Maryland should belong to the Baltimore & Ohio Railroad Co. Strange to relate, the President of the United States—probably because of lack of full information on the subject—not only approves this unlawful act but assumes the fatherhood of it. It should never be forgotten that the authority conferred upon the Interstate Commerce Commission to suspend the operation of the "antitrust laws" was not absolute but was conditional, and was not to be used except as to consolidations in the public interest, where "competition shall be preserved as fully as possible and wherever practicable existing channels of trade and commerce shall be maintained." As control of Western Maryland by the Baltimore & Ohio Railroad Co. will result in the absolute destruction of competition, it would be an unlawful act upon the part of the Interstate Commerce Commission to approve it, and indefensible for anyone to attempt to influence the commission to do so. It would be in fact an act ultra vires for the commission to attempt it.

I use this only as an example of the monstrosities which would result from this destruction of the plan adopted by the Interstate Commerce Commission. For anyone to suggest that such a grouping as the railroad magnates suggest for stock jobbing purposes will aid unemployment is the "reductio ad absurdum." The only hope of this grouping, reducing cost, is by discharging employees, and while no one should be in favor of any enterprise keeping on its payroll persons it does not need, when the traffic of a railroad and its facilities have been built up by the brains and brawn of a faithful and devoted army of employees, they acquire certain vested rights which can not be disposed of as a housewife would sweep dust through her doorway. A little boy after his first visit to the city was asked by his mother what he thought of it; his reply was, "Mother, I could not see the town for the houses." It is too often the case with regard to a railroad, that the superficial observer can not see it, for the track, station, engines, cars, etc., when the railroad really consists of the employees who have created it by devoting their lives to its service. The theory that mere bigness in railroad systems is synonymous with either economy or efficiency of operations is a fallacy. Whenever the details of management become so great that one responsible directing head can not be reasonably familiar with every facility of transportation under his control and every item of traffic he is required to transport exactly the reverse is the result, and the units of both economy and efficiency suffer.

If you can make use of this letter you are authorized to do so.

Sincerely yours,

R. V. TAYLOR.

EXTENSION OF NATIONAL PARKS

Mr. CAREY. Mr. President, I send to the desk resolutions adopted by the Lions Club of Jackson, Wyo., accompanied by a letter from Mr. S. N. Leek, relating to the extension of national parks and particularly Yellowstone National Park in Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Public Lands and Surveys.

There being no objection, the letter and resolutions were referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD as follows:

JACKSON, WYO., *January 6, 1931.*

Hon. ROBERT D. CAREY,
*Washington, D. C.*

DEAR SIR: Owing to the fact that the question of park extension is one of the most vital at this time I am taking this opportunity of presenting my views on the subject.

In the controversy to include a large portion of Teton County, Wyo., a champion should appear to plead for justice for its old-time rancher pioneers. Their wagon tracks made—as they cleared and built a road over Teton Pass—the only connecting link between them and the outside world. Their nearest post office, store, and school being 90 miles away; their nearest railroad, 110 miles; and their county seat, 250 miles away. Thus we turn back the pages of time for more than 40 years.

In the valley of Jackson Hole—not yet surveyed—they took squatter's claims, built log cabins, started to clear away the sagebrush, and built irrigation systems. That first year they put up a little hay from natural meadows to feed their work horses and milk cows. Though they were western people, and used to hardships of the West, those first winters in Jackson Hole seemed very long, cold, and dreary, and the snowfall was very deep.

In early winter great numbers of wild-game animals came down from the mountains and as the depth of snow and the cold increased their suffering for want of food was terrible. The heartbreaking sights the settlers witnessed decided them to do all they could during later years for the preservation of wild life in this region. They also petitioned the Government to aid in caring for the starving animals.

Though the Government paid no attention to the appeal to aid wild life, they did encourage the people to settle the valley. Surveyors were sent in and the valley sectionalized. A United States commissioner was appointed and the settlers encouraged to file upon their homesteads, which they did and permanent improvements were commenced.

More settlers came in, filed upon homesteads, and commenced their home making. More severe winters took place and took their toll from the wild-life herds. A teacher was employed and school commenced. But in the meantime the settlers did not forget the trust—self-imposed—to protect the wild life of the region.

They warned Idaho herds of sheep from the winter range of the elk and posted notices warning all other herds of sheep away. They arrested bands of Indians with hundreds of freshly killed hides in their possession who claimed they were hunting with Government permission. They warned tusk hunters from the State who were killing hundreds of elk in the Yellowstone Park, as well as in the Jackson Hole country. They donated money, labor, and hay to feed the herds of wild animals when thousands of them were in a starving condition. They did all this, and more, at a time when there seemed no law to prevent, and when the big-game herds in other parts of the country were practically exterminated, and when the hide hunters, tusk hunters, and Indians were turning their eyes toward this the only place where there were large herds remaining. They saved the wild life of Jackson Hole for future generations. And then when they gave up this self-imposed task to the forest rangers and State game commission they could point with pride to the large numbers of moose, elk, mountain sheep, deer, and other wild life and say, "We did the best we could and return plenty in numbers of all kinds intrusted to us excepting those kinds that migrated from the valley to winter and failed to return."

In the meantime, farming and stock raising had gone on in the valley. Roads, bridges, schools, churches, and homes were built, and big irrigation systems were constructed, and a large area of land reclaimed on which splendid crops were raised. Alfalfa, clover, and timothy, in most cases, were several tons per acre, and grain as much as 100 bushels per acre. The stock produced were prize winners even in competition at outside stock shows.

But during all these years a menace was held over the valley, a threatening cloud that retarded development and discouraged the purchase of real estate, thus preventing the sale of land or holding the price low. This was the threat of Yellowstone Park extension southward, to include portions or all the Jackson Hole country. It was hoped that the creation of the Grand Teton National Park would satisfy the extensionists, but led on by their champion it still survives.

The plan, after the creation of the Teton National Park, was to make Snake River the south boundary of the Yellowstone Park. The excuse for this was to use the natural rather than imaginary boundaries, and that the immediate country south of the river was too high to administer successfully. It would throw out of the park a large portion of Big Game Ridge, Mount Handcock, and a lot of rolling country and grassy hills farther east—all of it the best summer, wild-game range in the world. In return they asked for the Upper Yellowstone and Thoroughfare country, a region much higher and of much less value as a range for wild game.

Now the demands have changed again. This time to include enough to connect the Teton Park with the Yellowstone Park, and country farther east, including Jackson Lake and the highway that now connects the two parks. Or, if possible, extend it farther south, at least to the Gros Ventre River, this to include a considerable area of privately owned land being purchased by the Snake River Land Co.

Their champion says it is a pleasure to argue with persons who are reasonable in their opposition to park extension. We doubt if there would be any opposition from this region if any just cause or need could be given for such extension and if a disposition were shown to be just to all damaged holders. But this is not the plan, for a better price is offered and paid for wild sagebrush land with little or no improvements and no water right, and in some cases never been taxed, than is being offered for land with good improvements and water rights. In these cases the holder has spent the better part of his life in building himself and family a home; has paid heavy taxes year after year, and enough to pay his portion of maintaining and putting Teton County out of debt; and built and maintained a public-school system second to no other in the State according to number of pupils enrolled.

It may be pointed out that in buying this privately owned land that the Snake River Land Co. has no use for improvements and water rights, that the buildings and fences must be cleared away at some expense. Therefore improved land is of less value to them, and their plan of wishing to preserve wild life of the region is one of sentiment only.

Then why not apply sentiment to the case of the rancher pioneers? What they did for the preservation of wild life during the early years of their residence in the valley was more than the Snake River Land Co. need do now, or should do, when the plan of their operations threatens the organization of Teton County.

We have heard it said that but for the settlers' stock eating off the winter range of the elk there would be plenty of feed for the wild life. But, listen! Before the Teton National Forest was created the settlers voluntarily kept their stock from the winter range of the elk; and when the ranchers cleared the sagebrush from their land, watered it with their irrigation systems, seeded it with timothy and clover and alfalfa, and put up tens of thousands of tons of hay where nothing but sagebrush grew before, they increased the winter range to more than ever grew here before the white man came.

The excuse given for wishing to extend the Yellowstone Park to include the upper Yellowstone River is to protect the great numbers of moose near Bridger Lake, in order that park visitors may photograph them. It can be proven that the moose upon the upper Yellowstone and throughout Jackson Hole have increased during the past 40 years 0.25 per cent. The Forest Service and State game commission must be credited with this increase, as well as for the great number of elk, deer, mountain sheep, and other wild life to be found in this region now. How will they feel if the fruits of their splendid and successful efforts are turned over to the Yellowstone Park for management?

The south boundary of the Yellowstone Park, as described in the bill creating the park as running east and west, 10 miles south of the most southern boundary of Yellowstone Lake. Since the creation of the Grand Teton National Park there is nothing south of the Yellowstone Park's southern boundary for 50 miles worthy of inclusion in a national park. The wild life of the region is amply cared for, and all kinds are increasing. Its patrol to prevent forest fires is perfect, and any undue effort for its inclusion in the Yellowstone Park appears to be based on some other than a legitimate purpose.

Not many years ago Idaho made an effort to secure permission to run a tunnel through the narrow ridge that now prevents the Yellowstone Lake from flowing through its old, prehistoric channel westward down the Snake River to the Columbia. The strongest argument opposing that plan was not to establish the precedent of a reservoir within a national park. If the Yellowstone Park is extended southward and includes Jackson Lake the precedent will be established; and Shoshone Lake, Lewis Lake, and Heart Lake, as well as Yellowstone Lake, are splendid reservoir sites.

In consideration of all these facts, we hope that the present sane, safe, and straight boundary line of the Yellowstone Park will be maintained.

Wishing you a very prosperous and happy new year, I am,

Very respectfully yours,

PIONEER RANCHER,
S. N. LEEK.

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Resolutions adopted by the Lions Club of Jackson, Wyo., on the 9th day of January, 1931

Whereas further national park extension, in northwest Wyoming, vitally affects the future of our community, as well as the entire citizenship of Wyoming, and the future progress of Jackson Hole as a factor of the State; and

Whereas we believe it's for the best interests of the community and the entire State, in view of certain well-defined interests and propagandists who becloud the issues, thus submerging the viewpoint of the citizens of this territory; that the Jackson Lions Club, as successor to the Jackson Commercial Club, express by resolution its attitude on "further national park extension," the methods of men and Government officials, park bureau officials, and paid individuals who by acts, words, propaganda, and practice are befuddling the issues as regards the position of the greater part of the people of the State of Wyoming, as residing in the northwest part of the State, therefore, we do now present to and hereby adapt as the act of the Lions Club of Jackson the following and specific objections by way of this resolution, that is to say:

I. We are unalterably opposed to any further extension of the Yellowstone National Park south of the present lines, or the creation or extension of any other national park in northwest Wyoming, as inimical to the best interests of the people of the State and its future progress.

II. We are unalterably opposed to the purchase of lands by private subscription for further national-park extension in whatever guise or philanthropic ingenuity the method was or is conceived, the purpose being to wipe out the citizenship of this community and destroy the taxable values necessary for a proper maintenance of government in Teton County, Wyo.

III. We oppose the secret methods of the Snake River Land Co., with its vast appropriations of eastern money, now the owner of large areas of land in Teton County, Wyo., dealing with or conveying these lands to the Government of the United States for any purpose whatsoever, unless these lands be conveyed to the Forest Service Bureau of the Government for use for livestock grazing, for game preservation or propagation or control, under the authority of the State to whom the game of the State belongs.

IV. We call attention of the Legislature of the State of Wyoming, and of our Senators and Representatives in Congress to the actual fact of the Snake River Land Co., a Utah corporation representing the interests before mentioned, its agents, stockholders, directors, and local paid employees in organizing and creating corporations within the area of its present operations for the express purpose of obtaining all of the valuable concessions within the proposed national-park extension, the lakes, rivers, streams, camping places, roads, transportation, boating, hotels, and permanent camps, all with the knowledge and consent of the National Park Service authorities, the National Park Service and the chief officers thereof who now control all privileges within the Forestry Service over its domain and over which it has heretofore had jurisdiction and control.

V. We particularly call attention of the citizens of the State of Wyoming, governor, and all State officials and county officials as to any further park extension as it affects our great recreational and hunting ranges of the State. For in park extension the wild game of the State immediately reverts to Federal and bureaucratic control, eventually, extinction. We maintain the present care and control of the wild life of the State is sane, reasonable, and right, is for the benefit of the entire people of the United States under proper restrictions as to hunting within our game ranges.

VI. We oppose Federal or National Park Service control of the wild game of the State. We oppose the National Park authorities having any control of the wild life of the State (outside of the present boundaries of the national parks now created), and call attention to the fact that the urgent necessity of and the acts of the national park officials, in attempting to create by extension the Yellowstone National Park, was and is conceived for the express purpose of the absolute control of the wild life of the State to the exclusion of the people of the States therein.

VII. We respectfully suggest to the State Legislature of the State of Wyoming that the present member of the house of representatives from Teton County in no way represents this community in its viewpoint on park extension; that his past record as opposed to park extension, not only in person but as the sole representative of the honorable governor of the State on the important "elk commission," justified the voters of Teton County in returning him to the house of representatives of this State, his present position, as this club is advised and believes, is diametrically opposed to his former strong position and argument against future park extension he so logically presented at all meetings of the elk commission and in the halls of our own State legislature. It's not that we fear for ourselves, our community, our country, or our State but for the fullness of the change of heart of our heretofore valiant and able supporter, now enrolled under a banner of private interests to denude the State of its last remaining playground for its people.

I hereby certify the above and foregoing was passed and approved by the Lions Club of Jackson, Wyo., and I, as secretary thereof, was instructed to furnish copies to all Lions Clubs in the State, to ask their influence and immediate support to prevent the further encroachment of the Federal Government and its National Park Service upon the public domain in the State and the control of the wild game of the State, when its ultimate object is achieved, that these resolutions and proceedings be printed and copies forwarded to Members of the United States Senate and the House of Representatives and all State officials be furnished a copy hereof.

I hereby certify the above and foregoing resolution was duly passed and approved by the Lions Club of Jackson, Wyo., at its regular meeting on the 9th day of January, 1931, and by the unanimous vote of said club, except one.

BEN F. GILLETTE, *Secretary.*

MUSCLE SHOALS

Mr. NORRIS. Mr. President, I have here a copy of a resolution passed by the House of Representatives of the Nebraska Legislature relating to Muscle Shoals. I inquire of the Presiding Officer if the original resolution is in his possession? It is said in the copy which I have that copies were to be sent, among others, to the Vice President of the United States. Coming as a memorial from a branch of the Nebraska Legislature, I believe under our rule it ought to be read.

The VICE PRESIDENT. The Chair will state in answer to the inquiry of the Senator from Nebraska that he received the original resolution referred to. It was laid before the Senate, with other petitions, at the commencement of the session to-day, referred to the Committee on Agriculture and Forestry, and, under the rule, ordered to be printed in the CONGRESSIONAL RECORD. The copy presented by the Senator from Nebraska will be noted in the RECORD and referred to the same committee.

Mr. NORRIS presented a resolution adopted by the House of Representatives of the State of Nebraska, favoring the passage of the so-called Norris Muscle Shoals bill, which was referred to the Committee on Agriculture and Forestry. (See resolution printed in full when laid before the Senate by the Vice President.)

REPORTS OF COMMITTEES

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5813) to provide for the consideration of wild-life conservation in connection with the construction of public works or improvement projects, reported it without amendment.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 5465) to amend section 586c of the act entitled "An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia, relating to degree-conferring institutions," approved March 2, 1929, reported it without amendment and submitted a report (No. 1367) thereon.

Mr. ODDIE, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 5797) authorizing establishment of Boulder City town site, and necessary expenditures in connection therewith, and for other purposes, reported it without amendment and submitted a report (No. 1368) thereon.

Mr. KEAN, from the Committee on the District of Columbia, to which was referred the bill (S. 5297) to permit construction, maintenance, and use of certain pipe lines for petroleum and petroleum products, reported it with amendments and submitted a report (No. 1370) thereon.

RETAIL PRICES OF MEAT AND MEAT FOOD PRODUCTS

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the resolution (S. Res. 407) to investigate the retail prices of meat and meat food products (submitted by Mr. CAREY on the 19th instant), reported it without amendment and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

REPORTS OF NOMINATIONS

As in executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably sundry post-office nominations, which were placed on the Executive Calendar.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably several post-office nominations in the State of Tennessee, which were placed on the Executive Calendar.

Mr. BRATTON, from the Committee on the Judiciary, reported favorably the nomination of Nugent Dodds, of Michigan, to be Assistant Attorney General, which was placed on the Executive Calendar.

Mr. GILLETT, from the Committee on the Judiciary, reported favorably the nomination of Harry S. Hubbard, of Porto Rico, to be United States marshal, district of Porto Rico, which was placed on the Executive Calendar.

Mr. STEPHENS, from the Committee on the Judiciary, reported favorably the nomination of George Z. Medalie, of New York, to be United States attorney, southern district of New York, which was placed on the Executive Calendar.

Mr. DENEEN, from the Committee on the Judiciary, reported favorably the nomination of Simon E. Sobeloff, of Maryland, to be United States attorney, district of Maryland, which was placed on the Executive Calendar.

Mr. BLAINE, from the Committee on the Judiciary, reported favorably the following nominations, which were placed on the Executive Calendar:

William Hitz, of the District of Columbia, to be an associate justice of the Court of Appeals of the District of Columbia; and

George C. Aukam, of the District of Columbia, to be a judge of the municipal court, District of Columbia.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRATTON:

A bill (S. 5859) to further extend the benefits of hospitalization under the World War veterans' act, 1924, as amended, to certain veterans of the Spanish-American War, the Philippine insurrection, and the Boxer rebellion; to the Committee on Finance.

By Mr. BROUSSARD:

A bill (S. 5860) granting an increase of pension to Marie E. Combe; to the Committee on Pensions.

By Mr. WILLIAMSON:

A bill (S. 5861) granting an increase of pension to Martha J. Pickard (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5862) granting a pension to Leonard Claud Huntington; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 5863) granting a pension to Mary R. Dickman (with an accompanying paper); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 5864) granting an increase of pension to Sarah F. Stewart (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON (for Mr. ROBINSON of Indiana):

A bill (S. 5865) granting an increase of pension to Minnie Pennington (with accompanying papers); to the Committee on Pensions.

By Mr. McGILL:

A bill (S. 5866) awarding a Navy cross to Clair S. Christian; to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 5867) to amend chapter 15 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 5869) granting an increase of pension to Allie M. Casad (with accompanying papers);

A bill (S. 5870) granting an increase of pension to Amanda M. I. Clark (with accompanying papers); and

A bill (S. 5871) granting an increase of pension to Louisa S. Fee (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 5872) granting an increase of pension to Sarah Bowers (with accompanying papers); to the Committee on Pensions.

By Mr. GOLDSBOROUGH:

A bill (S. 5873) to name the Sixteenth Street entrance to the District of Columbia "Blair Place"; to the Committee on the District of Columbia.

A bill (S. 5874) for the relief of William G. Fulton; to the Committee on Claims.

By Mr. STEIWER:

A bill (S. 5875) granting a pension to Richard S. Blackwell (with accompanying papers);

A bill (S. 5876) granting a pension to Ellis Edmund Cates (with accompanying papers);

A bill (S. 5877) granting a pension to Stephen Harer (with accompanying papers); and

A bill (S. 5878) granting an increase of pension to Mary A. Bates (with accompanying papers); to the Committee on Pensions.

A bill (S. 5879) to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near Arlington, Oreg.; to the Committee on Commerce.

By Mr. DILL:

A bill (S. 5880) granting a pension to William I. Lee (with accompanying papers); and

A bill (S. 5881) granting a pension to Ellen Thomas (with accompanying papers); to the Committee on Pensions.

By Mr. CONNALLY:

A bill (S. 5882) to provide for the payment to veterans of the cash surrender value of their adjusted-service certificates; to the Committee on Finance.

By Mr. NORBECK:

A bill (S. 5883) granting a pension to Louis E. Janis (with accompanying papers); to the Committee on Pensions.

ACCEPTANCE OF OFFICE OR TITLE FROM KINGS, PRINCES, OR FOREIGN STATES

Mr. HEFLIN. I introduce a bill, which I ask may be read and referred to the Committee on Foreign Relations.

The bill (S. 5868) making it unlawful for any American citizen to accept any office or title from any king, prince, or foreign state was read the first time by its title, the second at length, and referred to the Committee on Foreign Relations, as follows:

Whereas the Constitution of the United States forbids any person holding any office of profit or trust from accepting any office

or title of any kind whatever from any king, prince, or foreign state; and

Whereas the great American principle here set forth should be applied with equal force to all American citizens: Therefore

*Be it enacted, etc.*, That after the passage of this act it shall be unlawful for any American citizen to accept any office or title of any kind whatever from any king, prince, or foreign state.

AMENDMENT OF GRAIN FUTURES ACT

Mr. FRAZIER submitted amendments intended to be proposed by him to the bill (S. 5542) to amend the grain futures act, which were referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENT OF DISTRICT TRAFFIC ACTS

Mr. BLAINE. Mr. President, in order to have an amendment to a bill which is now on the calendar printed, I send to the desk an amendment which I shall propose to the bill (S. 5249) to amend the acts of Congress approved March 3. 1925, and July 3, 1926, known as the District of Columbia traffic acts, and for other purposes, and ask that it be printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

INTERNATIONAL WATER COMMISSION, UNITED STATES AND MEXICO

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 231) to further provide for defraying the expenses of the International Water Commission, United States and Mexico, which was referred to the Committee on Foreign Relations and ordered to be printed.

AMENDMENTS TO DEPARTMENTS OF STATE AND JUSTICE, ETC., APPROPRIATION BILL

Mr. SHEPPARD submitted an amendment relative to defraying the expenses of the International Water Commission, United States and Mexico, in continuing its study, in cooperation with representatives of Mexico regarding the equitable use of the waters of the lower Rio Grande and lower Colorado Rivers and, with the concurrence of Mexico, of the Tia Juana River, for the purpose of securing information on which to base a treaty with the Government of Mexico relative to the use of the waters of these rivers, etc., intended to be proposed by him to House bill 16110, the Departments of State and Justice, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NORRIS submitted an amendment in the item for enforcement of the wireless communication laws, intended to be proposed by him to House bill 16110, the Departments of State and Justice, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 55, line 12, strike out the figures "$500,000" and insert in lieu thereof "$680,000."

On page 55, line 13, strike out the figures "$70,000" and insert in lieu thereof "$82,020," so as to read, in part:

"In the foregoing, $680,000, of which amount not to exceed $82,020 may be expended for personal services in the District of Columbia."

ASSISTANT IN SECRETARY'S OFFICE

Mr. WATSON submitted the following resolution (S. Res. 419), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That Senate Resolution No. 179, agreed to December 10, 1929, authorizing and directing the Secretary of the Senate to employ an assistant in his office to be paid out of the contingent fund of the Senate, hereby is continued in full force and effect until otherwise provided by law.

PRINTING OF "FOREST BANKRUPTCY IN AMERICA"

Mr. CAPPER submitted the following resolution (S. Res. 420), which, with the accompanying manuscript, was referred to the Committee on Printing:

*Resolved*, That the manuscript entitled "Forest Bankruptcy in America," by Lieut. Col. George P. Ahern, be printed as a Senate document.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3159) for the relief of W. F. Nash.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CLAIMS OF CERTAIN CHINESE CITIZENS AGAINST THE NAVY DEPARTMENT (S. DOC. NO. 262)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

*To the Congress of the United States:*

I transmit herewith a report of the Secretary of State requesting the submission to the Congress of claims against the Navy Department in the total amount of $4,657.20 United States currency in behalf of Yao Ah-Ken and Chiang Ah-erh (Tsiange Ah Erh) for personal injuries received; the family of Ts'ao Jung-k'uan (Dzao Yong Kwer) for damages sustained due to his death; and in behalf of the Shanghai Electric Construction Co. (Ltd.) for property losses sustained by it as the result of a collision between United States Marine Corps truck No. 1130 and tram car B 168, owned by the company, in Shanghai, China, on November 29, 1929. The total amount requested to be appropriated will be allotted as follows: To Yao Ah-Ken and Chiang Ah-erh (Ssiange Ah Erh), $1,500 each; to the family of Ts'ao Jung-k'uan (Dzao Yong Kwer), $1,500; and to the Shanghai Electric Construction Co. (Ltd.), $157.20.

I recommend that, as an act of grace and without reference to the question of the legal liability of the United States in the premises, an appropriation in the total amount of $4,657.20 United States currency be authorized to effect settlement of these claims, in accordance with the recommendations of the Secretary of the Navy and the Secretary of State.

HERBERT HOOVER.

THE WHITE HOUSE, *January 26, 1931.*

(Inclosure: Report of Secretary of State.)

CLAIM OF GEORGE J. SALEM AGAINST THE GOVERNMENT OF EGYPT (S. DOC. NO. 261)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

*To the Congress of the United States:*

I inclose herewith a report which the Secretary of State has addressed to me in regard to the claim of George J. Salem against the Government of Egypt. This claim grows out of the improper exercise of jurisdiction over Mr. Salem by the native courts of Egypt respecting a charge of forgery of deeds and out of the retention by the Egyptian authorities of Mr. Salem's deeds for a period of over four years. These actions caused him to lose opportunity for the advantageous sales of his land and entailed the expenses necessary in defending himself in the native courts of Egypt and also in the mixed tribunals of Egypt. In the latter tribunals he sought a remedy for the injury above recited, but he received a further injury through what is considered by this Government to be a denial of justice.

It will be noted that the Egyptian Government in a note addressed to the American minister at Cairo, dated March 20, 1930, agreed to the arbitration of the claim.

I recommend that an appropriation in the amount suggested by the Secretary of State be authorized in order that the expenses which it will be necessary to incur on the part of the Government of the United States in the prosecution of the claim to final settlement may be met.

HERBERT HOOVER.

THE WHITE HOUSE, *January 26, 1931.*

(Inclosure: Report of Secretary of State.)

REPORT OF WICKERSHAM COMMISSION ON PROHIBITION

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day.

The Chief Clerk read the resolution (S. Res. 410) submitted by Mr. TYDINGS on January 21, 1931, as follows:

Whereas the confusion and the contradictions embodied in the report of the Wickersham Commission on prohibition are puzzling to Members of the Congress, who may be called on to enact legislation carrying out some of its recommendations: Therefore be it

*Resolved*, That the Judiciary Committee of the Senate be instructed to invite Chairman Wickersham to appear before it and to make a further statement explaining the method by which the apparently contradictory conclusions and recommendations were arrived at; and also whether suggestions were received and acted on by the commission in framing its final report from authorities who were not members of the commission.

Mr. TYDINGS. Mr. President, I move the adoption of the resolution.

Mr. McNARY. Mr. President, this is a resolution coming over from a previous day?

The VICE PRESIDENT. It is.

Mr. McNARY. And it is now in order?

The VICE PRESIDENT. It is. The question is on the adoption of the resolution.

Mr. MOSES. Mr. President, I take it that the Senator from Maryland in offering the resolution and requesting its adoption is not satisfied with the information which comes through unofficial channels regarding the subject matter of the resolution?

Mr. TYDINGS. Mr. President, I do not want to be offensive in my resolution, but every Member of the Senate knows that there has been a great deal of conjecture as to how the members of the commission arrived at their findings and just what contacts they had which were outside of the membership of the commission in arriving at their conclusions. I therefore thought it would be in the interest of the public if Chairman Wickersham could be invited to come before the proper committee and state the manner in which the conclusions of the commission were reached in order that it might be cleared up once and for all time.

Mr. JOHNSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from California?

Mr. TYDINGS. I yield.

Mr. JOHNSON. I inquire of the Senator why confine the information desired to a statement from one member of the commission? Why not include the other members or such others as the Judiciary Committee might desire to call, or amend the resolution—and I think this would be preferable—by providing that Chairman Wickersham and the other members of the commission shall be invited to appear before the committee?

Mr. TYDINGS. I think the suggestion of the Senator from California is a very good one, and I ask that his suggestion may be incorporated in my resolution.

Mr. MOSES. The Senator has a right to modify his resolution in any fashion he chooses, and I think he should throw out a dragnet, and, instead of bringing in one member, bring in all 11 members of the committee.

The VICE PRESIDENT. Does the Senator from Maryland modify his resolution?

Mr. TYDINGS. I modify the resolution as suggested.

The VICE PRESIDENT. The Senator from Maryland modifies his resolution.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. TYDINGS. I yield.

Mr. BARKLEY. Mr. President, I want to make an inquiry of the Senator from Maryland. So far as I am concerned, it is immaterial whether this resolution shall be adopted or not, but I am wondering whether, after two years of work on the part of the commission, the result of which seems to be more or less unsatisfactory to many people, if we can expect anything more definite or clarifying after two years more of testimony on the subject? I am asking that question seriously.

Mr. TYDINGS. I should say, in answer to the Senator's question, that $400,000 of the people's money has been spent in arriving at the report submitted by the Wickersham Commission. We certainly ought to know what the report means and how the different conclusions of the various members of the commission were arrived at, and all other information pertinent thereto, if the money which has been expended is to be of any value.

Mr. BARKLEY. As I recall, $500,000 was appropriated for the purposes of the commission, and some $400,000 of that has been spent to date. Is it the object of the Senator to make sure of the expenditure of the other $100,000 that still remains in the fund allotted to the commission?

Mr. TYDINGS. No; it is not—but it is my object, later on, and particularly if this resolution shall be adopted, to offer another resolution asking that the evidence, which I understand was taken down and heard by the commission, may be presented to the Members of Congress and to the American people, because I think it is an outrage to ask the people to accept the findings which the commission has made without giving them the evidence upon which the commissioners relied in making up their minds.

Mr. BARKLEY. Should not such a resolution come ahead of the one now under consideration? Should not the testimony taken be made public before calling on the members of the commission to reveal every private conversation they had with anybody which assisted them in arriving at their conclusions? It strikes me that if the Judiciary Committee takes this resolution at its face value, it will involve requiring the members of the commission to repeat everything that was said by them or to them in any way involving the subject prior to the making of their report. It may be desirable to do that, but I think the Senate ought to know that that is probably what would be involved if the resolution were adopted.

Mr. TYDINGS. Mr. President, my primary object, I will say to the Senator from Kentucky, in offering the resolution was to clear up misunderstanding, gossip, and in some cases the implication that the commission was not a free agent in arriving at its findings. It occurs to me that by calling Mr. Wickersham and the other members of the commission before the Judiciary Committee in a single day that information could be ascertained without a great deal of inquiry, and that the public could know whether the commission was or was not influenced in arriving at its conclusions.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Connecticut?

Mr. TYDINGS. I yield the floor.

Mr. BINGHAM. Before the Senator yields the floor, may I ask him a question?

Mr. TYDINGS. I yield to the Senator from Connecticut.

Mr. BINGHAM. Would the Senator be willing to add to his resolution a request that there be submitted to Congress, in order that it may be printed, the material used as a basis of the conclusions referred to in the preliminary pages of the report, such, for instance, as the reports of the investigators, the statements of officials, particularly the Secretary of the Treasury, the Attorney General, and others, the surveys which were made of conditions as to observance and enforcement of the national prohibition act in substantially all the States, and the examination of witnesses? Would not the Senator be willing to add to his resolution a request that this information be submitted in order that it may be printed?

I will say to the Senator it seems to me, in view of the several hundreds of thousands of dollars we have appropriated for the purpose of gathering this information, that it is of sufficient value to the taxpayers to pay for its being printed. Therefore, I ask him if he will not add to his resolution a request for the material on which the conclusions were based in order that it may be printed?

Mr. TYDINGS. Mr. President, I submit a parliamentary inquiry to the Chair. Suppose the resolution should be modified in the manner suggested and then should be defeated; would that prevent it being offered on another day?

The VICE PRESIDENT. The same resolution?

Mr. TYDINGS. A resolution calling for the submission of the evidence which the commission gathered?

The VICE PRESIDENT. The Senator could submit it in another form; it could not be offered in the same form.

Mr. TYDINGS. I will say to the Senator from Connecticut I much prefer to cover the suggestion he has made in a separate resolution, and I shall do so at an early date.

Mr. BINGHAM. Very well.

Mr. SHORTRIDGE. Mr. President, the Senator from Maryland tells us what we already know, that a very considerable sum of money has been spent by the commission. He also refers to the inconclusive findings or the confusing findings and conclusions of the commission. Does he not think that the adoption of this resolution and the carrying of it into effect would be utterly useless; that it would be a waste of time and a waste of money? If the results of this long investigation are not now sufficiently definite before us, what more may we expect? I submit, with entire frankness and with earnestness, that the adoption of this resolution is altogether unnecessary.

Mr. NORRIS. Mr. President, I sincerely hope that the resolution will not be adopted. It would require the Judiciary Committee to invite Mr. Wickersham to appear before it and, to us the language of the resolution, "to make a further statement explaining the method by which the apparently contradictory conclusions and recommendations were arrived at."

If there are contradictory statements in the report, they appear on its face. The evidence taken before the commission was taken in secret. To my mind it ought not to have been taken in that way. I have always believed that the evidence taken ought to have been published, so that anyone who wanted to pass on the judgment of the commission in any conclusion it reached would have the same opportunity to examine the evidence and to reach a conclusion of his own that the commission had. However, that has passed, and I can not see any good in adopting the resolution. The resolution might be looked upon, perhaps with some reason, as just a little bit offensive in view of the way in which it is worded.

The commission, as everybody knows, had a difficult task to perform. I have wondered whether any member of that commission changed his mind or his views or reached a different conclusion after he had heard all the evidence from that he would have reached without any evidence. It would be interesting, I think, to know whether the evidence affected or changed the mind of any member of the commission.

They were required to pass upon a question upon which no two people agree; and whether they have done their work well or not, that will appear from the report itself. I think anyone may draw a conclusion that will satisfy himself, at least, from reading the report. I am not at all satisfied with the report myself. I am not at all satisfied with the procedure which the commission took. I was not a member of the commission, however, and I do not know whether I ought to set up my judgment against theirs. They perhaps had reasons for doing what they did. I have always believed that the work of the commission ought to have been public; and I notice in reading the opinion of at least one of the members of the commission, who was formerly a Member of this body—I refer to ex-Senator Kenyon—that he expressed the same opinion, that it was very much to be regretted that the meetings of the commission and the hearings of the commission were all held in executive session.

However much we may regret that, I do not believe we can help matters any by passing this resolution asking the Judiciary Committee to do what is stated in the resolution; and I believe, upon sober judgment, that the Senate will not pass it.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. NORRIS. Yes; I yield.

Mr. TYDINGS. If the Senator will permit me, I had no intention of reflecting on anyone in introducing this resolution. Every Senator knows, and the country generally knows, that the implication had gone out that some members of the commission had arrived at their findings because of certain other conditions. I thought it would be in the public interest to clear up that point once and for all.

If those who are close to the President and to the commission and to the political complexion of the administration do not wish the matter investigated and cleared up, I certainly shall not press it. I shall be satisfied to see the resolution voted down. Personally I think the matter ought to be cleared up, and I shall vote for the resolution; but I certainly do not mean to be offensive to anyone in offering it.

Mr. NORRIS. I doubt very much whether the Senator would accomplish what he evidently seeks to accomplish if the resolution were passed. If there were such relationships as the Senator intimated, I do not believe the committee could bring them out under this resolution.

Mr. COUZENS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. NORRIS. Yes; I yield.

Mr. COUZENS. I was wondering if the Senator did not believe that perhaps a resolution might be passed making the records public records.

Mr. NORRIS. I should be glad to have that done. If the commission has retained its evidence and has possession of it, I should be very glad if we could do that. It may be—I do not know, but it may be—that we would run up against the proposition that this evidence was obtained under a promise of secrecy.

Mr. COUZENS. We can find that out, anyway.

Mr. NORRIS. We could find that out. I should not have any objection to the passage of a resolution asking that all the evidence, everything before the commission, be made public. I should be glad to support it; and then if it develops that this evidence, or some of it at least, was obtained through a promise of secrecy I should not be in favor of compelling its disclosure. I should not want to violate that pledge.

Mr. COUZENS. Neither should I. I was asking the Senator whether he would be willing to have that done if there was no promise of secrecy.

Mr. NORRIS. I do not know, of course, whether such a pledge would be interposed. I should be glad, however, to support a resolution that would make the evidence public, or ask the commission to make it public; and if any of it has been obtained in such a way that it would not be fair to do that, of course, I would not go any further than to make the request.

Mr. TYDINGS and Mr. VANDENBERG addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I will say to the Senator from Nebraska that I should be very glad to modify the resolution so as to request the commission to make public the evidence which it has heard.

Mr. NORRIS. Will not the Senator do this, then: Suppose with that understanding we let the resolution go over without prejudice to give the Senator time to consult with others about it; and perhaps when it comes up again we can agree on the form of a resolution?

Mr. TYDINGS. I should be glad to let it go over until to-morrow, and take it up then and see if I can not modify it in such a way as to conform to all the views that have been expressed.

Mr. VANDENBERG. Mr. President——

Mr. NORRIS. I yield to the Senator from Michigan.

Mr. VANDENBERG. I was simply going to say to the Senator, with his permission, that I recall some statement in the press to the effect that the commission lacked the power of subpœna——

Mr. NORRIS. They say so in their report.

Mr. VANDENBERG. And therefore they found it impossible to get certain testimony except in confidence.

Mr. NORRIS. That is true.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. NORRIS. I was going to yield the floor, unless the Senator wishes to ask me a question.

The VICE PRESIDENT. The Senator from Connecticut is recognized.

Mr. BINGHAM. May I say to the Senator from Maryland that if he gives up the position which his resolution has at the present time, he will have to wait until some time when the Senate adjourns—which we have not been in the habit of doing recently more than once in about two weeks, or longer—before the resolution will come up again; and by that time some of the information or some of the recollections which he desires to bring out may be a little bit dim in the memory of witnesses.

Mr. TYDINGS. If the Senator will permit me, would it be proper to ask unanimous consent that this matter be laid aside and be taken up to-morrow at 1 o'clock?

Mr. HEFLIN. No, Mr. President; I should object to that.

The VICE PRESIDENT. The Senator from Alabama objects.

Mr. TYDINGS. I would prefer to let it go over until we do have an opportunity to modify it rather than to pass a bad resolution, or one that might be criticized.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut has the floor.

Mr. BINGHAM. Mr. President, I do not desire to speak at length upon this resolution, because the author of it has indicated his desire to withdraw it at this time without prejudice, if that may be done. I propound the parliamentary inquiry whether that may be done and it may retain its privileged position?

The VICE PRESIDENT. The resolution can go over, without objection, and it will be privileged to come up as a resolution coming over from a previous day whenever there is an adjournment.

Mr. BINGHAM. With that understanding, Mr. President, of course, I very deeply appreciate the tremendous interest which the chairman of the Committee on the Judiciary has shown in preventing this resolution from being considered.

The Senator from Maryland having stated that it might be embarrassing to the administration and its friends, everyone will realize that the Senator from Nebraska is one of the foremost to prevent anything from taking place on the floor of the Senate which might in any way embarrass the administration. I want to congratulate him on his very consistent action in this case. It is a great pleasure to the supporters of the administration to see him so regular in this particular. It may be a little strange to some people; but, of course, all of us realize that there is nothing like regularity, and the assurance that one is regular and one is a Republican, properly so called, and one always does support the administration, makes the Senator's position in opposition to this resolution quite understandable.

But, Mr. President, may I call to the Senator's attention the fact that in the report of the Wickersham Commission there are two very interesting statements which justify the action of the Senator from Maryland in asking for the information and the action of the Senator from California in suggesting that all of the commissioners be called in, because it would be of great public interest to know why two of the dryest members of the commission, who are opposed to revision or repeal—and the only two, I may say, who are opposed to revision—state in their private statements that the commission had agreed to recommend the immediate revision of the eighteenth amendment.

For instance, in the statement by Commissioner William I. Grubb there is this statement:

> I join in the findings of fact and all the ultimate conclusions of the general report of the commission (except that recommending that the amendment be revised immediately, without awaiting a further trial).

Mr. President, in view of the fact that the commission does not, in the body of its report or in its conclusions, recommend that, one is led to wonder whether that is a typographical error; whether over here in the Government Printing Office, where we are so very proud of the extreme meticulousness of the corrections made by the proofreaders, that was overlooked, or why it was that Mr. Grubb was so disturbed about this recommendation that the amendment be revised immediately.

But lest that might be laid to a typographical error, may I call the Senator's attention to the fact that in the individual recommendation of another of the very dry commissioners, Mr. Paul J. McCormick, he states:

> I am in accord with all of the conclusions and recommendations except that in which a revision of the eighteenth amendment is suggested immediately.

Mr. President, in view of the fact that both of the dry members of the commission—the other nine being really in favor of some kind of revision, either immediate or not, as the case may be—both of the dry members, in their individual reports, call attention to the fact that the commission had agreed to recommend the immediate revision of the eighteenth amendment, and then later the commission makes no such suggestion to us in its recommendations, I think the resolution of the Senator from Maryland is extremely timely, and ought to be adopted as soon as possible, in order that their recollections in this matter may be up-to-date, and not forgetful.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. The Chair understood the Senator from Connecticut to suggest that the resolution should go over without prejudice.

Mr. TYDINGS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Maryland?

Mr. BINGHAM. I yield, first, to my friend from Arkansas.

Mr. ROBINSON of Arkansas. Mr. President, is the Senator insinuating that the commission first drafted its report recommending immediate revision of the eighteenth amendment, and then, at a late moment, changed its recommendation?

Mr. BINGHAM. I am insinuating nothing, Mr. President. I am merely stating what two of the dry members of the commission state in their recommendations, which would seem to imply that the commission originally intended to recommend immediate revision, and in fact had so done at some time or other, at the time when these individual recommendations were prepared.

I now yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, may I ask the Chair what is the status of the resolution? Is it before the Senate?

The PRESIDENT pro tempore. The resolution is before the Senate; but the Chair understood the Senator from Connecticut, within his rights, to suggest that it go over without prejudice; and the Chair also understood the Senator from Maryland to have agreed to that.

Mr. NORRIS. Mr. President——

Mr. TYDINGS. If I am still recognized, Mr. President, I did not understand that that had been the case. I understood that we were still debating whether that would or would not happen, because subsequently to that I propounded a question in which I asked the Chair if the resolution could go over by unanimous consent until 1 o'clock to-morrow afternoon; and the then occupant of the chair told me that would be improper. As I understand, therefore, I have not accepted the suggestion of the Senator from Connecticut; and I should like to press for the immediate consideration of the resolution.

The PRESIDENT pro tempore. The Vice President did not rule that the resolution had gone over without prejudice; but the present occupant of the chair, from his privileged position on the floor, understood from the conversation between the Senator from Maryland and the Senator from Connecticut that the Senator from Maryland was willing that that should be done. However, that not being the case, the resolution is now before the Senate in the form as modified by the Senator from Maryland; and the Sen-

ator from Maryland is recognized for the discussion of his resolution.

Mr. TYDINGS. Mr. President, the reason why I should like to be recognized for an additional statement is that I am forced to go to Baltimore this afternoon to attend a funeral as a pallbearer. I have just 16 minutes to catch the train; and I want those in this Chamber to know why I pressed for the consideration of the resolution, but was forced to leave the Chamber before its consideration could be completed.

Mr. HEFLIN. Mr. President, I am opposed to this resolution; and if we have any Senators here who can not read the report of the commission I am going to ask that a committee of three Senators be appointed to read it to them and to interpret it for them.

I think it is a useless expenditure of money to be calling this commission back before a Senate committee to interrogate them, to ask each and every one of them why he took this position or that.

I suggest a course that will be much cheaper, and that is that the Senator from Maryland [Mr. TYDINGS] and the Senator from Connecticut [Mr. BINGHAM] be appointed on a committee to write a letter to Mr. Wickersham and to any other member of the commission they desire, asking each one of them to tell them in writing what they meant by certain statements in the report submitted, not for the benefit of the Senate but for the benefit of these particular Senators; and then if they can not understand it I will offer my services, with some four or five other Senators that I can name, and we will undertake to read and interpret it for them.

Mr. President, it seems to me that it is utterly ridiculous to solemnly propose a resolution like this. Here is a report made by a commission appointed by the President. Some say that it asks for the repeal of the eighteenth amendment. It does not do that. Some say that it does not ask for the repeal of the eighteenth amendment. Some say that it asks for a modification of the Volstead Act. Others say that it does not ask for a modification of the Volstead Act. I submit that a report which gives comfort to both sides is a wonderful and very remarkable report. Why should people quarrel with the genius of a commission which is able to report upon a subject and give comfort and satisfaction to those for and those against?

I have heard gentlemen talking here about the Senate who seem to be pleased and who say that the report is favorable to the wets. On the other hand, I have heard Senators say, "No; it is not in favor of the wets; it is in favor of the drys." That is all right. I know how the country feels upon this subject. Let us not be deceived. Three-fourths of the voting masses of America to-day would vote to retain the eighteenth amendment and for prohibition law enforcement. The rum runners who are being backed by big financial concerns in foreign countries, with their establishments in this country, transporting liquor upon the high seas and bringing it into the large cities like New York, Boston, San Francisco, Philadelphia, Pittsburgh, and a few other large cities. The liquor interests in these cities are anxious to have the old order restored. They would like to bring the barrooms back. They would like to have whisky free and unfettered in our country, with grog shops on every street and a barroom on every corner. But, Mr. President, the upstanding, sober, moral forces of this Nation have no sympathy with such a course.

It appears that some gentlemen on this side would like to use the Democratic Party as a vehicle for the liquor forces. I give notice now as a Democrat, speaking for the sober, moral forces in the Democratic Party, that we are not going to submit to having our party tied to such a body of disgraceful death. You saw what it brought us in 1928. Why will you seek to tie up with it now?

I am opposed to using the Senate as a vehicle to get up more whisky propoganda for Raskob and his wet association; to promote the whisky interests of the United States and Europe. The sooner Democrats on this side shake off this deadly thing the better it will be for the country and for the Democratic Party.

I hear it talked around now that the Democratic Party will put a wet plank in its platform and that the Republican Party will have a dry plank in its platform. If that happens, the Democratic Party will be beaten by between six and ten million votes in the next election.

Mr. President, the fathers and mothers of this Nation, the great Christian forces of this Nation, are not going to turn their country over to the whisky forces here and abroad. This Nation is dry in sentiment. Go to the big cities, go where the industrial establishments are planted, and see who works in them. Those who are guiding the destiny of those great institutions ask the young men who come to them seeking work: "Do you drink? Do you tamper with whisky at all? If you do, we do not want you. Here is an important position; if you are sober and honest and intelligent we will give you a job, but if you fool with liquor we do not want you."

Mr. President, we have in this great Nation driven whisky far away from the boy who would be tempted by the devilish stuff. We have made it hard for him to get it. We have outlawed it. We put obstacles in the American boy's way, and now there are those who care more for the money they can make out of the whisky traffic than they do for the manhood of the country and the welfare and happiness of the American home. They want to bring it back and make it easy for the young man to get it, to debauch the manhood of the Nation, and debauch the homes, and pull down human beings in the scale of living, in order that some with their European liquor ideas may foist them upon this great Government of ours.

The time has come when we should talk plainly upon this subject. The Democratic Party is not a whisky party, and the right-thinking, home-loving Democrats of the country are not going to permit Raskob and his followers to make it a whisky party.

Mr. JOHNSON. Mr. President, inasmuch as there seems to be some little confusion of thought as to what the Wickersham Commission really did, I want to afford the requisite information to the Senate, and therefore I ask that our distinguished Chief Clerk read the paraphrase upon Lincoln's Gettysburg Address from the Wickersham Commission. This will enable the Senate to understand with clarity exactly what was intended by the Wickersham report, and will enable Senators to ascertain, from listening, exactly the mental attitudes of the various members of the commission.

The PRESIDENT pro tempore. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows, amid much laughter in the Senate:

"PRACTICALLY UNANIMOUS"

(Neal O'Hara in the New York Evening World)

How the Wickersham Commission would have written Lincoln's Gettysburg address:

Fourscore and seven years ago (although two members of the commission hold it was fourscore and eight years ago and three others believe the score should be disregarded and only the number of first downs considered) our fathers (Newton D. Baker and Dean Pound believe the mothers should get a break, too) brought forth upon this continent (Chairman Wickersham claims it came in fifth) a new nation (Ada Comstock dissenting and claiming it was second hand) conceived in liberty and dedicated to the proposition that all men are created equal.

(Six members believe this proposition should be given further study, while four more feel that all men are not created equal and birth statistics should be checked and rechecked before taking such a definite stand. However, the commission is unanimous that the Nation was created some time or other, but doubts there were any dedication exercise connected with it.)

Now we are engaged (although Judge Kenyon announces the engagement is broken) in a great Civil War (with Chairman Wickersham dissenting and calling it a noble experiment), testing whether the Nation or any other nation (Mr. Mackintosh believes the speech should be confined to this Nation, without regard to the Swedish or Quebec plans, but will sign the report just the same) so conceived and so dedicated (three members are against using these words a second time) can long endure. (Two members believe the testing period should be extended 10 more years, five

favor a referendum by the people, and the other four think the Civil War should be immediately called off.)

But in a larger sense we can not dedicate (Messrs. Grubb and Loesch want to know why not), we can not consecrate (Mr. Anderson objects to this), we can not hallow this ground. (Five members favor harrowing the ground and giving the farmers relief.)

The brave men, living and dead (Dean Pound and Mr. Lemann feel the convalescents should be included, too), who struggled here (three members demand affidavits of the struggle) have consecrated it far above our poor power (Chairman Wickersham thinks this is a dirty knock at the electric utility companies) to add or detract. (Seven members believe that adding and subtracting would be a better method, so long as it does not mean the return of the saloon.)

The world will little note (Judge Kenyon would substitute the Herald Tribune for the World and Mr. Wickersham always reads the Times) nor long remember what we say here. (Nine members object to such a flat statement as that.) But it can never forget what they did here. (Dean Pound offers statistics proving most people's memories are short and therefore declines to subscribe to this paragraph.)

This Nation, under God, shall have a new birth of freedom (although Messrs. Wickersham and Mackintosh are very much against it), and government of the people, by the people, for the people shall not perish from the earth.

(Mr. Anderson and Miss Comstock believe "government from the people, to the people, at the people" would read better. Mr. McCormick thinks "government on the people, off the people, in the people" is a more suitable phrase, and Chairman Wickersham is not only against the use of prepositions at all, but thinks doctors' prescriptions should be curtailed, too.

The commission is a unit, however, in agreeing that Gettysburg is a battlefield and a lot of soldiers are buried there.)

Mr. BINGHAM. I ask unanimous consent, in view of the enforced absence of the Senator from Maryland [Mr. TYDINGS], that the resolution go over.

The PRESIDENT pro tempore. Without objection, the resolution will go over, without prejudice.

CONDITIONS IN THE OIL INDUSTRY

The Chief Clerk read the next resolution coming over from a previous day, being the resolution (S. Res. 418) submitted by Mr. NYE January 21, 1931, as follows:

*Resolved*, That a special committee of five Senators shall be forthwith appointed by the Vice President, and said committee is hereby authorized and instructed to investigate and report to the Senate as early as possible:

First. The cause or causes of the low price of crude oil in the United States and the margins between the price of crude oil and the selling price of the products of crude oil.

Second. Whether said conditions have resulted in whole or in part from any contract, combination, in the form of a trust or otherwise, or conspiracy in restraint of trade and commerce among the several States and Territories or with foreign countries.

Third. Whether said prices have been controlled, in whole or in part, by any corporation, joint-stock company, or corporate combination engaged in commerce among the several States and Territories or with foreign nations.

Fourth. Whether such corporation, joint-stock company, or corporate combination, in purchasing crude oil, gasoline, and other petroleum products, by any order or practice of discrimination, boycotts, blacklists, or in any manner discriminates against any particular oil field.

Fifth. The organization, capitalization, profits, conduct, and management of the business of such corporation or corporations, company or companies, and corporate combinations, if any.

Sixth. The stocks of crude oil, gasoline, and other petroleum products at refineries or elsewhere in the United States at the end of each year for the years 1928, 1929, and 1930, and the holders or owners thereof.

Seventh. Whether any combination, agreement, understanding, or other relationship exists between corporations, joint-stock companies, or combinations engaged in the oil industry and corporations, joint-stock companies, or combinations engaged in the operation of pipe lines and local public utilities, and, if so, the effect of said relationship upon the production and sale of crude oil, gasoline, and other petroleum products in the United States.

Eighth. The profits of companies refining and marketing petroleum in the United States for the years 1928, 1929, and 1930, and the component elements of said profits.

Ninth. All other facts as bear upon the recent changes in price of crude oil, gasoline, or other petroleum products or upon any of the foregoing matters.

The said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpœnas or otherwise; to require the production of books, papers, and documents; to employ counsel, experts, and other assistants.

The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpœnas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the processes of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law.

Said committee is hereby specifically authorized to act through any subcommittee authorized to be appointed by said committee.

The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. Under the statute this resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

AGRICULTURAL CREDIT CORPORATIONS

Mr. CARAWAY. Mr. President, from the Committee on Agriculture and Forestry I report back favorably with an amendment the bill (S. 5441) to assist in the organization of agricultural credit corporations, and I submit a report (No. 1369) thereon. I ask the attention of my colleague to the bill. I desire to ask unanimous consent for its immediate consideration. The language incorporated in the bill as it now comes to the Senate is that suggested by the Secretary of Agriculture, and provides for the setting up and carrying on of credit corporations in aid of agriculture. I ask that the bill may be read.

The PRESIDENT pro tempore. Without objection, the report will be received; and without objection, the bill will be read for the information of the Senate.

Mr. McNARY. Mr. President, I inquire if we have concluded routine morning business?

The PRESIDENT pro tempore. Routine morning business has been concluded, as the Chair understands it. The next regular order is the calendar under Rule VIII, but the junior Senator from Arkansas has asked unanimous consent for the immediate consideration of a bill, which he has just reported.

Mr. McNARY. I appreciate that and do not intend to object unless it interferes with the routine morning business. If we have concluded routine morning business, the calendar is the next order of business, and that is another matter entirely. I understood there was another resolution coming over from a previous day.

The PRESIDENT pro tempore. The clerk informs the Chair that there is no other resolution coming over from a previous day.

Mr. ROBINSON of Arkansas. Mr. President, may I suggest to the Senator from Oregon that in all probability, in view of the fact that the Secretary of Agriculture, the chairman of the Federal Farm Board, and others have recommended the amendment, it will only require a moment to dispose of it.

Mr. McNARY. The bill is reported with the approval of the chairman of the Committee on Agriculture and Forestry; but that does not answer the inquiry which I submitted as to routine morning business. All I desire is that nothing shall interfere with the conclusion of routine morning business.

The PRESIDENT pro tempore. Routine morning business is concluded. The calendar under Rule VIII is now in order, but the junior Senator from Arkansas has asked unanimous consent for the immediate consideration of the bill which he has just reported from the Committee on Agriculture and Forestry. First he asked unanimous consent to present the report out of order. The report has been received by unanimous consent and we will now have the bill read for the information of the Senate, following which the other unanimous-consent request submitted by the junior Senator from Arkansas will be submitted to the Senate.

The Chief Clerk read the substitute bill reported from the committee.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

That the Secretary of Agriculture is hereby authorized, in his discretion, to use not to exceed $5,000,000 of the $45,000,000 appropriated by Public Resolution No. 114, approved January 15, 1931, to make advances or loans to individuals in the drought and/or storm

or hail stricken areas of the United States for the purpose of forming local agricultural credit corporations, livestock loan companies, or like organizations, or in increasing the capital stock of such corporations qualified to do business with, or having the privilege of doing business with, the intermediate credit banks, or to which such privileges may be extended, and/or to make loans to individuals upon the security of the capital stock of such associations, companies, or organizations; such advances, subscriptions, payments of loans to be made under such terms and conditions and subject to such regulations as in the opinion of the Secretary of Agriculture will best protect the interests of the United States and aid in extending credit to farmers.

The PRESIDENT pro tempore. Without objection, the amendment proposed by the committee will be agreed to, and, without objection, the bill will be regarded as having passed through its various parliamentary stages and passed.

Mr. ROBINSON of Arkansas. Mr. President, I ask permission to have inserted in the RECORD a telegram addressed to the Secretary of Agriculture, a letter from the Secretary of Agriculture, and the bill to which the amendment just agreed to relates.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The telegram, letter, and bill are as follows:

LITTLE ROCK ARK., *January 2, 1931.*

SECRETARY OF AGRICULTURE,
*Washington, D. C.:*

In many counties of this State all credit sources, including banks, have failed and there is immediate necessity for additional institutions in the nature of agricultural credit corporations. These in required number can not be formed because necessary capital can not be secured. To illustrate, every bank in Phillips County is closed. The population is 50,000 and unless provision is made in this and similarly situated parts of the State there will result almost complete failure of agricultural production and consequent further destitution. Just before holiday recess Senate 5441 to assist in the organization of agricultural credit corporations was introduced. May I urge that you give consideration to this bill with a view to facilitating its passage. I hope to have proposal taken up by committee immediately on return and desire conference with you before the hearing. Will reach Washington by Monday noon. You may find it necessary personally to visit the territory so vitally affected in order to obtain full knowledge of the distressing conditions due in large part to the complete breakdown of local credit agencies. My best wishes for a happy New Year.

JOE T. ROBINSON,
*United States Senator.*

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DEPARTMENT OF AGRICULTURE,
*Washington, D. C., January 15, 1931.*

Hon. JOSEPH T. ROBINSON,
*United States Senate.*

DEAR SENATOR: The suggestion in your telegram of January 2, from Little Rock, that funds be made available to assist farmers and business men in setting up credit corporations to make production loans to farmers, whose notes would then be rediscounted with intermediate credit banks, appeals strongly to me. This matter was discussed with several persons while the seed loan resolution was before Congress and brief reference was made to it when I appeared before the House Committee on Agriculture. The authorizing resolution, however, had then passed the Senate and the members of the committee evidently felt that final agreement on the resolution might be delayed if new proposals were added to it. Our thought then was that the department might make direct subscriptions to the capital stock of such credit corporations, but the proposal in your bill, S. 5441, that loans be made to individuals who in turn will make stock subscriptions, seems to be a better plan. Since the appropriation of Federal funds to be loaned for purposes which would provide a basis for obtaining more funds from Federal agencies would probably be unsound as a permanent policy, I am suggesting that this bill be made an amendment to the drought relief bill, and that a sum not to exceed $5,000,000 be authorized to be loaned out of the $45,000,000 for the purpose outlined in your bill. I am writing Senator MCNARY reporting favorably on your bill but am suggesting that authorization be given me to make loans for stock subscriptions to an amount not in excess of $5,000,000 out of the $45,000,000 authorized for seed and fertilizer loans under Public Resolution No. 112.

It is the belief of this department that if credit corporations could be set up in such areas as eastern Arkansas and the Delta section of Mississippi, the needs of large plantation owners who have some basis of credit could be met much more satisfactorily through loans from these corporations than by direct loans from this department. Many of these plantation owners have a sufficient basis of credit to obtain loans from commercial banks, but through recent closing of banks local credit facilities are not available.

Accordingly, the department has drawn up a proposed amendment, broader in scope than the one submitted by you. It will be observed that in the proposed amendment which we are submitting to Senator MCNARY agricultural credit associations, livestock loan companies, or like organizations which may now or may in the future be authorized to rediscount their notes with the Federal intermediate credit banks have been included. It is believed that this broader language will better accomplish the purposes intended. A copy of the suggested amendment is inclosed for your information.

I shall be glad to discuss this matter with you at any time you may desire.

Sincerely,

ARTHUR M. HYDE, *Secretary.*

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(S. 5441)

A bill to assist in the organization of agricultural credit corporations

*Be it enacted, etc.,* That the Secretary of Agriculture is hereby authorized to make advances or loans, on such terms and conditions and subject to such regulations as he shall prescribe, to individuals who have heretofore formed or shall hereafter form, in the drought and/or storm stricken areas of the United States, an agricultural credit corporation entitled to the benefits of section 202 (a) (1) of the Federal farm loan act, as amended, solely for the purpose of enabling such individuals to subscribe to the capital stock of such corporation. All such advances or loans shall be made through such agencies as the Secretary of Agriculture may designate, and in such amounts as such agencies, with the approval of the Secretary of Agriculture, may determine. For carrying out the purposes hereof, including all expenses and charges incurred in so doing, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7998) to amend subsection (d) of section 11 of the merchant marine act of June 5, 1920, as amended by section 301 of the merchant marine act of May 22, 1928.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14246) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 21 and 24 to the said bill and concurred therein, and that the House further insisted on its disagreement to the amendments of the Senate Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, and 67 to the bill.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15592) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal year, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1931, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, Mr. WASON, Mr. BYRNS, and Mr. BUCHANAN were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 3159) for the relief of W. F. Nash, and it was signed by the President pro tempore.

EXECUTIVE MESSAGES REFERRED

Messages from the President of the United States making nominations were referred to the appropriate committees.

FIRST DEFICIENCY APPROPRIATIONS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15592) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1931, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. Mr. President, I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. JONES, Mr. SMOOT, Mr. HALE, Mr. GLASS, and Mr. MCKELLAR conferees on the part of the Senate.

THE CALENDAR

The PRESIDENT pro tempore. The calendar, under Rule VIII, is in order. The clerk will state the first business on the calendar.

The bill (S. 168) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as first in order.

Mr. MCNARY. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 76) to amend Rule XXXIII of the Standing Rules of the Senate, relating to the privilege of the floor, was announced as next in order.

The PRESIDENT pro tempore. The resolution will go over.

The bill (S. 551) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was announced as next in order.

Mr. KING and Mr. BLAINE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 49) authorizing the Committee on Manufactures, or any duly authorized subcommittee thereof, to investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

The PRESIDENT pro tempore. The resolution will go over.

The bill (S. 153) granting consent to the city and county of San Francisco to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. JOHNSON. I ask that the bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

The resolution (S. Res. 119) authorizing and directing the Committee on Interstate Commerce to investigate the wreck of the airplane *City of San Francisco*, and certain matters pertaining to interstate air commerce, was announced as next in order.

Mr. BINGHAM. Mr. President, I inquire if the Senator from New Mexico is desirous that the resolution be considered?

Mr. BRATTON. I desire that it be adopted or postponed; but if the Senator from Connecticut desires to be heard, I have no objection.

Mr. BINGHAM. I think, in view of that statement, the resolution had better go over.

The PRESIDENT pro tempore. The resolution will go over.

The bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, was announced as next in order.

Mr. COPELAND. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1278) to authorize the issuance of certificates of admission to aliens, and for other purposes, was announced as next in order.

Mr. COPELAND. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of the House of Representatives to take some action on Senate Joint Resolution 3, relative to the commencement of the terms of President, Vice President, and Members of Congress, was announced as next in order.

The PRESIDENT pro tempore. The resolution will go over.

The bill (S. 120) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin American Republics in highway matters was announced as next in order.

Mr. WHEELER. Over.

The PRESIDENT pro tempore. The bill will be passed over.

MERGER OF GEORGETOWN AND WASHINGTON GAS LIGHT COS.

The bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co., and for other purposes, was announced as next in order.

Mr. HOWELL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. COPELAND. Mr. President, may I inquire if at some time before the end of the session we may give consideration to the bill which has just been passed over on the objection of the Senator from Nebraska? The reason why I ask for its consideration is because a question of employment is involved. If the bill is passed there will be a thousand men put to work in the District of Columbia digging ditches, putting in gas pipes, and so forth.

I realize that the Senator from Nebraska [Mr. HOWELL] and the Senator from Wisconsin [Mr. BLAINE] have certain objections to the bill. I wish those objections might be formulated so that the Senate could give consideration to the ultimate passage of the bill in some form. It is a matter of great importance, not alone to the convenience and comfort of the citizens of the District, but to the question of employment. May I ask the Senator from Nebraska if he has formulated an amendment which would answer his objections so that the Senate might give them consideration?

Mr. HOWELL. Mr. President, I should be glad to take up the matter if an agreement could be reached between the gas companies and several Senators on this side of the Chamber as to what they will agree to in connection with the bill by which practically a new charter would be granted to the gas companies.

Mr. COPELAND. I have no disposition to move, as I suppose I could under the rule, to take up the bill; but I do think that the Senators who are in opposition should definitely formulate the amendment they wish to present to the bill in order that the amendment and the whole matter may be brought before us for consideration upon its merits. I am sure I am not asking an unreasonable thing. May I not ask the Senator from Nebraska if he will not put into language an amendment which meets his views so we may have it before us, and then at the proper time bring the matter before the Senate for consideration?

Mr. HOWELL. An amendment is pending and has been pending, but the gas company has indicated that it will not accept the terms which are proposed. This company has been a very prosperous one. The profits it has earned are enormous. The profits now on the capital invested amount to in the neighborhood of 22 per cent per annum. But the company has not shown a willingness to conform to what several Senators on this side of the Chamber feel that they should agree to, and as a consequence I have been waiting and hoping that possibly the company might arrive at a satisfactory conclusion.

Mr. GOFF. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from West Virginia?

Mr. HOWELL. I yield.

Mr. GOFF. I am very much interested, as is the Senator from New York [Mr. COPELAND], in the passage of this measure. As chairman of the steering committee I have been appealed to by many citizens in the District.

The purpose sought to be achieved, according to their view, is that it will not only lessen the cost of gas and the by-products to the consumer but that it will immediately, as the Senator from New York has indicated, initiate a movement which will relieve very appreciably unemployment in and around the District by employing approximately a thousand men in the digging of ditches and the laying of pipes.

If the Senator from Nebraska and such of his associates as he thinks are opposed to the bill will indicate to the Senator from New York and myself when we can very soon have a conference on the matter, I would suggest that we get together and see if we can agree upon an amendment and have the bill come up for consideration.

Mr. HOWELL. I shall be very glad to confer with the Senator from West Virginia and also the Senator from New York with reference to the matter.

Mr. GOFF. Then I will say to the Senator from New York as well as the Senator from Nebraska that if agreeable I will try within the next few days, when none of us is engaged on the floor, to arrange a conference in the committee room of the steering committee and see if an agreement can be reached. Then we can call in such representatives of the Washington and Georgetown Gas Light Cos. as we may then feel it necessary to hear and see if we can get an understanding with them.

Mr. FLETCHER. Mr. President, I think we ought to have the regular order.

The PRESIDENT pro tempore. The regular order is demanded.

Mr. COPELAND. Mr. President, I understand the Senator from Nebraska has agreed to the proposal made by the Senator from West Virginia and that there will be a conference in the hope of bringing about an adjustment which may permit the early passage of the bill.

Mr. GOFF. That is my understanding.

The PRESIDENT pro tempore. The regular order is demanded. The clerk will state the next order of business on the calendar.

BILLS PASSED OVER

The bill (S. 3229) to provide for the appointment of an additional district judge for the southern district of New York was announced as next in order.

Mr. COPELAND. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1916) to amend section 1025 of the Revised Statutes of the United States was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

JURISDICTION OF DISTRICT COURTS

The bill (S. 4357) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. COPELAND. Mr. President, reserving the right to object, may I have the attention of the senior Senator from Nebraska? Very urgent appeals have been made to me by various chambers of commerce and individuals, who complain because there was no hearing held on the bill (S. 4357) to limit the jurisdiction of district courts in the United States. I am wondering if the Senator from Nebraska would not be willing to have the bill recommitted to his committee, in order that there might be such a hearing?

Mr. NORRIS. Mr. President, this is an important bill. There is no possible hope of enacting it into law at this session of Congress, as I have told the Senator from New York and several other Senators who have inquired about it. It ought to be passed. It ought to be enacted into law. There seems to be a general idea that snap judgment was taken on somebody in regard to it. It may be that people who wanted to be heard did not know about it until their memory was jogged or until they read about it. But as a matter of fact a bill in almost identical form was reported by the Judiciary Committee to the Senate in the preceding Congress. A report was made on that bill as it has been made on the bill now on the calendar. It is in practically the same form in which it was reported previously. I intend to introduce the identical bill at the next session of Congress. I want to see it enacted into law. I think it ought to be enacted into law.

However, because Congress must adjourn on the 4th day of March, this as well as a good many other measures of equal importance will have to be laid aside. I am making no attempt to have it considered, because I realize that on account of the condition of the calendar it will be a physical impossibility to pass the bill. It will be opposed by big corporations, by great combinations of wealth.

If enacted into law it would go further toward clearing up the dockets of the United States courts than would any other one act that has been introduced. It would simply require foreign corporations to submit themselves to the jurisdiction of the courts of the State where they are doing business. For instance, in the city of Lincoln, Nebr., two men may be in the grocery business, one as an individual and the other, his competitor, just across the street, may incorporate under the laws of Kansas. The business is transacted in Nebraska; the property is all in Nebraska, and the people who are interested and who own the property are all in Nebraska, yet one is incorporated—it may be he is incorporated under his own name, John Jones—and the other, Frank Smith, across the street, conducts business as an individual. If the latter is sued by some one who claims that he owes him a bill for merchandise for which he has not paid, the suit is brought in a State court, it is tried in a State court, and all the adjudication takes place in the State courts; but if the other man who, just like him, is doing business on the same street, but is incorporated under the laws of Kansas, is sued, he may have the choice of either having his case tried in the State court or going into the Federal court; and he can carry the case to the Supreme Court of the United States and wear his opponent out with litigation, providing there is involved in the suit the sum of $3,000 or more. This bill, if enacted, would take away from Federal courts jurisdiction of that kind of cases. It would require the individual and the corporation doing business in a State to submit to the same courts, the same tribunals, to which a resident of that State would have to submit. I do not believe there is any tenable reason why this proposed legislation should not be enacted into law.

However, with the powerful opposition coming from all the railroads in the United States, from practically all the big insurance companies of the United States, from many of the big mortgage companies of the United States, their influence is too great, there is too much opposition to the measure; so, as I have said, I can not expect to have it passed at the present session of Congress, but I am not going to give it up; I expect to have the bill before Congress at the next session.

I am perfectly willing if some one wishes to be heard at reasonable length to hear him, but I am not willing to do so now, because in the event hearings were now held the time of the committee from now until the 4th of March, 24 hours in the day, would be used.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The time of the Senator from Nebraska has expired.

Mr. NORRIS. I should like now to be recognized in my own time.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NORRIS. The matter would only be delayed, and I anticipate when the measure does come up there will be enough big corporations asking to be heard, through the mouths of their expensive and able attorneys, to take the time of the committee for six months in order again to defeat the bill. I am willing, however, that reasonable

hearings should be had. Opponents of the bill had an opportunity two years ago to be heard, but they are waking up now it seems, from the questions that are asked me by various Senators coming from all over the United States, and are demanding to be heard.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. Yes; I now reciprocate. The Senator may speak in my time.

Mr. COPELAND. I have no doubt that everything the Senator from Nebraska states is true; I have no interest in the bill personally; but, as the Senator suggested, I have had letters from railroads, from insurance companies, and others asking that the measure be defeated. I understand the Senator has no expectation of having the bill passed at this session, but will have a short hearing on it during the next session?

Mr. NORRIS. Yes, sir; I think that is correct.

Mr. COPELAND. In view of that, is the Senator willing to agree to the indefinite postponement of the bill?

Mr. NORRIS. Oh, no; I do not want that record staring me in the face when I undertake to secure favorable legislation. That would be cited at once as the reason why the bill when reintroduced should not be passed, and it would be effective with some.

The Senator from New York referred to having received letters from attorneys. I have recently received a letter from an attorney for one of the leading railroads of the United States in which he inclosed a letter he had received from the general attorney of that railroad and his reply thereto. It was evidently part of a propaganda. The local man was asked by the general attorney of the railroad at once to take up this bill with his Senators and protest against its passage, saying that it would be a terrible thing because it would compel that railroad, if it wanted to sue me, say, in Nebraska, to go into the courts of Nebraska and abide by the decision of those courts, rather than to go into the Federal court where the litigation would be twice as expensive and twice as lengthy.

Incidentally, Mr. President, I have called the attention of the Department of Justice to the measure. I sympathize with that department in its desire to do something that would reduce the exceedingly great amount of litigation that clogs the dockets of the Federal courts. I may say that if that department will get behind this bill and if the bill should be finally passed it would remove, in my judgment, 33⅓ per cent of the cases in the Federal courts, and they would be tried in the State courts where they properly belong.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I yield.

Mr. FLETCHER. The question is, Would the Senator be willing to have the bill recommitted, if he is going to have hearings upon it?

Mr. NORRIS. No; it is impossible to have hearings now on the bill, as everyone is too busy for that; but I have not made any attempt to have the bill taken up, and I do not expect to do so because it is so important as to make it out of the question to try to pass it by unanimous consent, and I am not going to try to do so.

The PRESIDING OFFICER. Does the Chair understand that objection is interposed to the present consideration of the bill?

Mr. COPELAND. I object.

The PRESIDING OFFICER. Under objection, the bill will go over.

BILLS PASSED OVER

The bill (S. 3344) supplementing the national prohibition act for the District of Columbia was announced as next in order.

The PRESIDING OFFICER. Being the unfinished business, the bill will be passed over.

The bill (S. 3558) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, was announced as next in order.

Mr. GLASS. I ask that the bill may be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3399) to amend section 2 (e) of the air commerce act of 1926 was announced as next in order.

Mr. BRATTON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4377) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death was announced as next in order.

Mr. BRATTON. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3822) to provide for the withdrawal of the sovereignty of the United States over the Philippine Islands and for the recognition of their independence, etc., was announced as next in order.

Mr. VANDENBERG. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4015) to provide for the revocation and suspension of operators' and chauffeurs' licenses and registration certificates; to require proof of ability to respond in damages for injuries caused by the operation of motor vehicles; to prescribe the form of and conditions in insurance policies covering the liability of motor-vehicle operators; to subject such policies to the approval of the commissioner of insurance; to constitute the director of traffic the agent of nonresident owners and operators of motor vehicles operated in the District of Columbia for the purpose of service of process; to provide for the report of accidents; to authorize the director of traffic to make rules for the administration of this statute; and to prescribe penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry. I inquire whether Calendar No. 1232 has been disposed of?

The PRESIDING OFFICER. That order has not as yet been reached.

CLAIMS HELD BY THE UNITED STATES

The bill (S. 4254) to provide for the compromise and settlement of claims held by the United States of America arising under the provisions of section 210 of the transportation act, 1920, as amended, was announced as next in order.

Mr. HOWELL. I ask that the bill go over.

Mr. KING. Mr. President, may I make an inquiry of the Senator from Nebraska?

Mr. HOWELL. Certainly.

Mr. KING. I understood that an amendment had been agreed upon which met the objection of the Senator from Nebraska. I understand that the passage of this bill is very important and would save the Government, perhaps, considerable money.

Mr. HOWELL. An amendment has been proposed, but it is not fully satisfactory to the Senator from Nebraska. I have been endeavoring to find some middle ground that might be satisfactory with reference to the bill.

Mr. KING. In view of the importance of the bill to the Government, I had hoped something could be done to facilitate its passage.

Mr. HOWELL. I will say frankly that the reason I am objecting and why I am taking the position I do take in reference to the bill——

The PRESIDING OFFICER. Does the Chair understand the Senator from Nebraska has withdrawn his objection to the bill?

Mr. HOWELL. I have not.

The PRESIDING OFFICER. Then debate is not in order. The Secretary will state the next bill on the calendar.

BILLS PASSED OVER

The bill (S. 2497) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes, was announced as next in order.

Mr. FESS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4561) for the relief of Sally S. Twilley was announced as next in order.

Mr. HOWELL. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3644) for compensation in behalf of John M. Flynn was announced as next in order.

Mr. HOWELL. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4555) to amend certain sections in the Code of Law for the District of Columbia relating to offenses against public policy was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

NATIONAL MUSEUM OF ENGINEERING AND INDUSTRY

The bill (S. 454) to establish a commission to be known as a commission on a national museum of engineering and industry was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. COPELAND. Mr. President, will the Senator withhold his objection for a moment?

The PRESIDING OFFICER. Does the Senator from Utah withhold his objection?

Mr. KING. I withhold the objection, but I am opposed to the creation of so many additional bureaus; we have too many of them now.

Mr. COPELAND. I agree fully with the Senator in that sentiment; but in this instance, by reason of the early extension of a street through the Mall, it is necessary to tear down the art and industrial building of the National Museum. A great many public-spirited gentlemen in this country have urged that there be erected in Washington—and I have no doubt the funds will come from private sources to help the enterprise—a great national museum of engineering and industry. We had an extensive hearing on the measure. The Senator from Connecticut [Mr. WALCOTT], the then Senator from New Jersey, Mr. Baird, and I participated in the hearings, which ran over a considerable time and which were printed. The arguments presented are very appealing. The measure looks forward to the construction here of a fine institution for the purposes outlined in the bill, and I beg my friend from Utah to withhold his general objection to commissions, an objection which I share fully, and allow this bill to go through, which simply attempts to find out what sort of a building should be erected, where it should be located, and the exact uses to which it should be put.

The PRESIDING OFFICER. Does the Senator from Utah withdraw his objection?

Mr. KING. No; I do not. I shall have a very important amendment to suggest to the bill when it shall be considered.

The PRESIDING OFFICER. The bill will be passed over.

JOINT RESOLUTION AND BILLS PASSED OVER

The joint resolution (S. J. Res. 105) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 191) for the relief of George B. Marx was announced as next in order.

Mr. HOWELL. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3238) for the relief of Martin E. Riley was announced as next in order.

Mr. BRATTON. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5212) for the relief of George Charles Walthers was announced as next in order.

Mr. McKELLAR. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4384) to provide for the erection of a suitable monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky., was announced as next in order.

Mr. FESS. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SIMPLIFICATION OF WORK OF FOREST SERVICE

The Senate proceeded to consider the bill (H. R. 10782) to facilitate and simplify the work of the Forest Service, which was read, as follows:

*Be it enacted, etc.*, That so much of the act approved March 4, 1913, as provides: "That hereafter the Secretary of Agriculture is authorized to reimburse owners of horses, vehicles, and other equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment is properly chargeable" (sec. 502, title 16, U. S. C.), is hereby amended to read as follows: "The Secretary of Agriculture is authorized, under such regulations as he may prescribe:

"(a) To hire or rent property from employees of the Forest Service for the use of officers of that service other than use by the employee from whom hired or rented, whenever the public interest will be promoted thereby: *Provided*, That the aggregate amount to be paid permanent employees under authorization of this subsection, exclusive of obligations occasioned by fire emergencies, shall not exceed $3,000 in any one year.

"(b) To provide forage, care, and housing for animals, and storage for vehicles and other equipment obtained by the Forest Service for the use of that service from employees.

"(c) To reimburse owners for loss, damage, or destruction of horses, vehicles and other equipment, obtained by the Forest Service for the use of that service from employees or other private owners: *Provided*, That payments or reimbursements herein authorized may be made from the applicable appropriations for the Forest Service: *And provided further*, That except for fire-fighting emergencies no reimbursement herein authorized shall be made in an amount in excess of $50 in any case unless supported by a written contract of hire or lease."

Mr. KING. Mr. President, if the bill which is on the calendar in some modified form is passed at this session, authorizing the settlement of claims for torts, may not that meet this situation?

Mr. McNARY. This bill follows various examples of other departments, heretofore recommended by the Congress to meet a peculiar ruling of the Comptroller General. It only provides, in case of an individual owning a piece of property—it may be an automobile or a horse—that is destroyed in fighting fires, the Government can compensate him for the loss of that private property.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill was read the third time and passed.

PROTECTION OF FOREST LANDS

The joint resolution (S. J. Res. 183) authorizing the Secretary of Agriculture to cooperate with the Territories of the United States under the provisions of sections 1 and 2 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Resolved, etc.*, That the Secretary of Agriculture be, and he is hereby, authorized to cooperate with the Territories of the United States on the same terms and conditions as with States under sections 1 and 2 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924.

BILL PASSED OVER

The bill (S. 4597) to provide educational employees of the public schools of the District of Columbia with leave of absence with part pay for purposes of educational improve-

ment, and for other purposes, was announced as next in order.

Mr. KING and Mr. ROBINSON of Arkansas. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

GREAT LAKES BRIDGE COMMISSION

The bill (S. 4769) to amend an act entitled "An act creating the Great Lakes Bridge Commission and authorizing said commission and its successors to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.," approved June 25, 1930, being Public Act No. 433 of the second session of the Seventy-first Congress, was announced as next in order.

Mr. VANDENBERG. I ask that this bill be referred back to the Commerce Committee without prejudice.

The PRESIDING OFFICER. Without objection, such rereference will be made.

JOINT RESOLUTION AND BILLS PASSED OVER

The joint resolution (S. J. Res. 201) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the fiscal years ending June 30, 1866, 1867, 1868 and vesting the right in each State to sue in its own name, was announced as next in order.

Mr. FRAZIER. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (H. R. 12056) providing for the waiver of trial by jury in the district courts of the United States was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1594) for the relief of John W. Leich, alias John Leach, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

MARTIN G. SCHENCK, ALIAS MARTIN G. SCHANCK

The bill (H. R. 1081) for the relief of Martin G. Schenck, alias Martin G. Schanck, was considered, read the third time, and passed.

LOUIS VAUTHIER AND FRANCIS DOHS

The bill (S. 634) for the relief of Louis Vauthier and Francis Dohs was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in consideration of their long, honest, and faithful service as civilian instructors of cadets at the United States Military Academy, the Secretary of War be, and he is hereby, authorized to appoint Louis Vauthier and Francis Dohs warrant officers of the Regular Army, and immediately thereafter to place them upon the retired list of warrant officers of the Regular Army: *Provided*, That in determining the length of service for longevity pay and retirement they shall be credited with and entitled to count all service as civilian instructors at the United States Military Academy, whether continuous or not: *Provided further*, That upon retirement for age or otherwise they shall be entitled to all the privileges, pay, and allowances of retired warrant officers of the Regular Army regardless of their age at their appointment to and acceptance of such office: *And provided further*, That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to the appointees hereunder.

GEORGE PRESS

The bill (H. R. 3692) for the relief of George Press was considered, read the third time, and passed.

JEREMIAH F. MAHONEY

The bill (H. R. 7302) for the relief of Jeremiah F. Mahoney was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator to withhold his objection?

Mr. ROBINSON of Arkansas. I will withhold the objection.

Mr. SHORTRIDGE. The bill was very fully considered by the House. It came to us, and I understand was reported by our committee without any amendment; and I am told that it is really a meritorious bill.

Mr. ROBINSON of Arkansas. The fact that the Senate committee had reported it does not appear on the face of the record. I have no objection.

The bill was considered, read the third time, and passed.

NATIONAL SOCIETY UNITED STATES DAUGHTERS OF 1812

The Senate proceeded to consider the bill (S. 5061) to authorize the National Society United States Daughters of 1812 to make annual report to the Smithsonian Institution, which had been reported from the Committee on the Judiciary with amendments, on page 2, to strike out lines 8, 9, 10, 11, and the word "importance," in line 12; on the same page, line 15, before the word "material," to insert "historical"; and in the same line, after the word "material," to strike out "for history," so as to make the bill read:

*Be it enacted, etc.*, That said society may and shall annually report to the Secretary of the Smithsonian Institution all of its activities, and said Secretary of the said Smithsonian Institution shall communicate said report or as much thereof as he may deem proper to the Congress of the United States.

The Regents of the Smithsonian Institution are authorized to permit said National Society United States Daughters of 1812 to deposit its collections, manuscripts, books, pamphlets, and other historical material in the Smithsonian Institution or in the National Museum, at its discretion, upon such conditions and under such rules as it shall prescribe.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was stricken out.

E. O. M'GILLIS

The bill (H. R. 2266) for the relief of E. O. McGillis was considered, read the third time, and passed.

RESOLUTION PASSED OVER

The resolution (S. Res. 365) to provide for the printing of the Thirty-third Annual Report of the Daughters of the American Revolution for the year ended March 1, 1930, with illustrations, as a Senate document, was announced as next in order.

The PRESIDING OFFICER. Let that go over.

SURVEY OF SALMON RIVER, ALASKA

The bill (H. R. 12121) to provide for a survey of the Salmon River, Alaska, with a view to the prevention and control of its floods, was considered, read the third time, and passed.

COAST GUARD STATION, LAKE WORTH INLET, FLA.

The bill (H. R. 7119) to authorize the establishment of a Coast Guard station on the coast of Florida at or in the vicinity of Lake Worth Inlet was considered, read the third time, and passed.

WILLIAM J. FROST

The bill (H. R. 3122) for the relief of William J. Frost was considered, read the third time, and passed.

DISPOSITION OF EFFECTS OF PERSONS DYING WHILE SUBJECT TO MILITARY LAW

The Senate proceeded to consider the bill (S. 4619) to authorize the disposition of effects of persons dying while subject to military law, which had been reported from the Committee on Military Affairs, with amendments, on page 2, line 5, to strike out "three" and insert "five"; on the same page, line 15, to strike out "three" and insert "five"; in line 18, after the word "effects," to insert "(except decorations and medals)"; in line 21, after the word "effects," to insert "(except decorations and medals)"; in line 22, to strike out "five" and insert "ten"; on page 3, line 3, to strike out "National Home for Disabled Soldiers" and insert "Veterans' Administration"; and on the same page, line 16, to strike out "six" and insert "ten," so as to make the bill read:

*Be it enacted, etc.*, That the effects in the possession of the General Accounting Office of persons dying while subject to military law, such as papers of value, sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, including those of deceased inmates of the United States Soldiers' Home dying in any United States military hospital outside of the District of Columbia where sent from said home for treatment, and similar effects hereafter received by the

War Department, shall be delivered to the United States Soldiers' Home; that wills or other papers involving property rights shall be promptly delivered to proper courts of record; that the remaining effects shall be retained by the home intact until five years from the date of the death of the person on whose behalf they were received shall have expired (in the event of said period shall not have already elapsed), for the purpose of delivery to the widow or legal representative of the deceased, or to the son, daughter, father (provided the father has not abandoned the support of his family), mother, brother, sister, or the next of kin in the order named, or beneficiary named in the will of the deceased, upon the establishment to the satisfaction of the home of a right thereto.

SEC. 2. That after the expiration of five years from date of death of said deceased said home may sell, either at public or private sale as deemed most advantageous, all or any of such effects (except decorations and medals) to which a right thereto shall not have been established on behalf of said deceased.

SEC. 3. That such of said effects (except decorations and medals) as at the expiration of 10 years from date of death of deceased have neither been sold nor a right thereto established on behalf of the deceased shall be finally disposed of by said home in such manner as in the interest of the public it deems most fitting, helpful, and appropriate, either by permanent retention thereof, distribution to the Veterans' Administration or its branches, State or other military homes, museums, or other appropriate institutions, or by their destruction, if, in the opinion of the Board of Commissioners, they no longer possess any value.

SEC. 4. That the net proceeds received by the home from the sale of such effects shall be covered into the Treasury to the benefit of the fund "Soldiers' Home permanent fund (trust fund)," and such principal fund as thus augmented, shall draw interest at 3 per cent per annum, payable quarterly to the treasurer of the home.

SEC. 5. Claims for the net proceeds of effects may be filed with the General Accounting Office at any time prior to the expiration of 10 years from date of death of such deceased for action as authorized by law in the settlement of the accounts of deceased officers and enlisted men of the Army (act of June 30, 1906, 34 Stat. 750), and, if not so filed, are barred from being acted on either by the courts or the accounting officers.

SEC. 6. All claims for the net proceeds of such effects which are allowed by the General Accounting Office shall be certified to the treasurer of the home for payment by check, in the amount thus found due, from the fund "Soldiers' Home permanent fund (trust fund)," hereby appropriated therefor in such amount as necessary. No claim thus allowed or paid shall exceed the net proceeds derived from the particular estate and covered into the Treasury as aforesaid.

SEC. 7. That the containers now in the possession of the General Accounting Office, in which are stored the effects enumerated in section 1 hereof, shall be transferred therefrom to the United States Soldiers' Home to provide for the protection and safe-keeping of such effects.

SEC. 8. All laws and parts of laws, in so far as in conflict herewith, are repealed.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BATTLEFIELD OF CHALMETTE, LA.

The bill (H. R. 6618) to provide for the study, investigation, and survey, for commemorative purposes, of the battlefield of Chalmette, La., was considered, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 1036) for the relief of Homer N. Horine was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

HUDSON RIVER BRIDGE, ALBANY AND RENSSELAER, N. Y.

The bill (S. 4795) to extend the times of commencing and completing the construction of a free highway bridge across the Hudson River between the cities of Albany and Rensselaer, N. Y., was announced as next in order.

Mr. COPELAND. I ask that Order of Business 1372, House bill 13516, be substituted for the one before us.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and the bill will be substituted.

The Senate proceeded to consider the bill (H. R. 13516) to extend the times of commencing and completing the construction of a free highway bridge across the Hudson River between the cities of Albany and Rensselaer, N. Y., which was read the third time, and passed.

The PRESIDING OFFICER. Without objection, the Senate bill will be indefinitely postponed.

HUDSON RIVER BRIDGE, TROY, N. Y.

The bill (S. 4796) to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River at the southerly extremity of the city of Troy, N. Y., was announced as next in order.

Mr. COPELAND. I ask that in place of this bill Order of Business 1371, House bill 13517, be substituted.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and the House bill will be substituted for the Senate bill.

The bill (H. R. 13517) to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River at the southerly extremity of the city of Troy, N. Y., was considered, read the third time, and passed.

The PRESIDING OFFICER. Without objection, the Senate bill will be indefinitely postponed.

TENNESSEE RIVER BRIDGE, RHEA AND MEIGS COUNTIES, TENN.

The bill (S. 4818) to revive and reenact the act entitled "An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Dayton-Decatur Road between Rhea and Meigs Counties, Tenn.," was announced as next in order.

Mr. FLETCHER. I ask that Order of Business 1369, House bill 14276, be substituted for the Senate bill.

The PRESIDING OFFICER. Without objection, that will be done.

The bill (H. R. 14276) to extend the times for commencing and completing the construction of a bridge across the Tennessee River on the Dayton-Decatur Road, between Rhea and Meigs Counties, Tenn., was considered, read the third time, and passed.

The PRESIDING OFFICER. Without objection, the Senate bill will be indefinitely postponed.

ELK RIVER BRIDGE, KELSO, TENN.

The bill (S. 4817) to grant the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Elk River on the Fayetteville-Winchester Road near the town of Kelso, in the Lincoln County, Tenn., was announced as next in order.

Mr. McKELLAR. I ask that Order of Business 1370, House bill 14051, be substituted for the Senate bill, and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The bill (H. R. 14051) to grant the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Elk River on the Fayetteville-Winchester Road, near the town of Kelso, in Lincoln County, Tenn., was considered, read the third time, and passed.

The PRESIDING OFFICER. Without objection, the Senate bill will be indefinitely postponed.

PENSIONS AND INCREASE OF PENSIONS

The Senate proceeded to consider the bill (H. R. 13518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 29, after line 2, to strike out:

The name of Mary E. Hays, widow of John C. Hays, late captain Company C, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, after line 12, to strike out:

The name of Mary E. Shyrigh, widow of Birdett C. Shyrigh, late of the Sixty-sixth Regiment Ohio Volunteer Infantry, and Com-

pany L, Second Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, after line 4, to strike out:

The name of Rachel L. James, widow of Houstin James, late first lieutenant, Company H, One hundred and seventy-sixth Regiment Ohio Volunteer Infanry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, after line 9, to strike out:

The name of Martha Williamson, widow of Stephen Williamson, late of Company M, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 56, after line 20, to strike out:

The name of Rosalie Chonyon, widow of Henry Chonyon, late of Company H, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 80, after line 11, to strike out:

The name of Susan A. Wise, widow of William Wise, late of Company H, Two hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 92, after line 9, to strike out:

The name of Mary E. Bunch, widow of Hardin H. Bunch, late of Company K, Forty-seventh Regiment Indiana Volunteer Infantry, and One hundred and eleventh Company, Second Battalion Veterans' Reserve Corps, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 94, after line 12, to strike out:

The name of Bellemina Mahan, widow of Oliver M. Mahan, late of Company K, Ninth Regiment Michigan Volunteer Cavalry, and Company F, Twenty-third Regiment Veterans' Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 104, after line 2, to strike out:

The name of Jennie Apgar, widow of Hulett Apgar, late of Company A, Thirty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 121, after line 22, to insert:

The name of Bertha Hart, helpless child of Absolom Hart, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary Lester, widow of Charles Lester, late of Company A, Seventieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Franklin D. Pierce, late of Capt. Walter P. Ingram's Company D, Halls Gap Battalion, Kentucky State Troops, and pay him a pension at the rate of $50 per month.

The name of Sarah E. Preston, widow of Aaron Preston, late of Company F, One hundred and forty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan S. Tidball, widow of David A. Tidball, late of Troop H, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Phebe A. Ingles, widow of Andrew Ingles, late of Company E, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Matilda E. Houlette, helpless child of Francis D. Houlette, late of the United States Navy, and pay her a pension at the rate of $20 per month.

The name of Nannie Young, widow of Richard Young, late of Company D, One hundred and ninth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Agnes C. DeGroot, widow of Horace W. DeGroot, late of Troop I, First Regiment Minnesota Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella Van Alstine, widow of Lovant Van Alstine, late of Company G, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Parmelia A. Holman, widow of Squire A. Holman, late of Company A, One hundred and thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minnie A. Hamm, former widow of James M. Sowers, late of Company C, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nannie Hall, widow of Benjamin F. Hall, late of Company G, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah J. Hawkins, widow of Albert A. Hawkins, late of Company E, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Blanchard, widow of Henry M. Blanchard, late of Troop K, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha M. Green, widow of William A. Green, late of Company B, Colorado Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Melinda A. Smiley, widow of Sylvanus C. Smiley, late of Company A, Thirty-third Regiment Massachusetts Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Ella Jackson, former widow of Eugene H. Porter, late of the Fourth Independent Company, Ohio Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary J. Westfall, widow of Job Westfall, late of Company D, Sixty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lizzie Antrim, widow of John Antrim, late of Company A, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Estelle W. Wilson, widow of John R. Wilson, late of Company I, Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary L. Tryon, widow of Noah W. Tryon, late of Seventh Battalion, Indiana Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adeline Barrows, widow of Dustin Barrows, late of Company C, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adelaide S. Smith, former widow of Benjamin S. Smith, late of Company B, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucy Grimsley, widow of George T. Grimsley, late of Company A, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Myrtle Josephine Cogley, widow of Thomas S. Cogley, late of Company F, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louvinah J. Price, widow of James H. Price, late of Company F, Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Marinda DePuy, widow of Lyman M. DePuy, late of Battery I, Second Illinois Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara V. Brown, widow of John J. Brown, late of Company D, Thirteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah A. Underhill, widow of Isaac Underhill, late of Company F, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Jane Brown, widow of William R. Brown, late of Company B, Sixty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cora Shank, widow of Jesse L. Shank, late of Troop C, Eleventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maria J. Carl, widow of Rollin M. Carl, late of Company D, Tenth Regiment Vermont Volunteer Infantry, and pay her

a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amelia Clapper, widow of Joseph Clapper, late of Company G, Fourteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Almeda Hilton, widow of Walton J. Hilton, late of Company G, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen M. Holcomb, former widow of Martin L. Holcomb, late of Company K, Forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josephine Cook, former widow of Valentine Seigert, late of Company B, Thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Burnette, widow of Eliphez Burnette, late of Troop L, Twelfth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Gordon, widow of Frederick M. Gordon, late of Company G, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ella F. Rand, widow of James Hovey Rand, late of Captain Cootey's Independent Company Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy C. Jones, widow of Albert G. Jones, late of Troop E, Tenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Caroline Norris, widow of William H. Norris, late of Troop E, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances E. Johnson, widow of Lewis Johnson, late of Troop G, Ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy Jane Harrell, widow of Henry D. Harrell, late of Twentieth Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Cora Conzet, widow of John Conzet, late of Company B, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month, and $30 per month when she has attained the age of 60 years.

The name of Lydia M. Higgins, widow of John W. Higgins, late of Company E, Fortieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Grace Barry, widow of Milton F. Barry, late of Battery H, First Regiment New York Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Horn, widow of Henry H. Horn, late of Company A, Forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Flora J. Thrapp, former widow of John Stevens, late of Battery M, Second Regiment Illinois Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Caroline Houzelot, widow of Edward Houzelot, late of Company A, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Amanda C. Wolf, widow of George Wolf, late of Troop F, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emily G. Emanuel, widow of Jonathan M. Emanuel, late of United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Simmers, widow of Andrew Simmers, late of Company G, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sara E. Shumard, widow of Thomas M. Shumard, late of Company H, One hundred and fifty-third Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida A. Bower, widow of Joseph M. Bower, late of Company D, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rhoda A. Larimer, widow of James E. Larimer, late of Company A, First Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary A. Vincent, widow of Robert W. Vincent, late of Company D, Thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa Mutchie, former widow of John Moog, late of Company A, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Georgie A. Jamison, widow of William Jamison, late of Company E, Sixteenth Regiment United States Colored Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Malinda Betsall, widow of Frederick Betsall, late of Company L, Sixth Regiment Virginia Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie E. Rogers, widow of Frederick E. Rogers, late of Company D, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary O. Stevens, widow of David S. Stevens, late of Company H, Third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Clara Taylor, widow of Horace Taylor, late of Company I, Twenty-seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Josie W. Witham, widow of Nathaniel R. Witham, late of Company I, Sixth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna F. Whiteside, widow of George Whiteside, late of Fourteenth Battery Indiana Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Smith, widow of Isam Smith, late of Company D, Eighty-third Regiment United States Colored Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maria S. Bird, widow of Roseberry Bird, late of Company K, First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarepta Rhodes, widow of Beachum Rhodes, late of Seventh Battery Indiana Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Eliza Welch, widow of William H. Welch, late of Company G, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elida J. West, widow of John S. West, late of Company E, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mattie Riess, widow of Elias Riess, late of Company D, Sixty-first Regiment United States Colored Infantry, and pay her a pension at the rate of $30 per month.

The name of Clyde A. Grippin, helpless child of Henry V. Grippin, late of Company B, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Lucinda Ragsdale, widow of James E. Ragsdale, late of Company D, Thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah A. Lewis, widow of David Lewis, late of Company C, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret C. Pyles, former widow of Michael Hockersmith, late of Company G, One hundred and twenty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Porter, widow of John C. Porter, late of Company D, Eightieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha Jewell, widow of Trueworthy Jewell, late of Company A, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adelia A. Deforge, widow of Alfred Deforge, late of unassigned company, First Regiment Vermont Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Martha B. Wheeler, widow of Artemas H. Wheeler, late of Company H, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Matten, widow of Alfred Matten, late of Company B, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna S. Bergeson, widow of Lars V. Bergeson, late of Company I, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca S. Kerlee, widow of William H. Kerlee, late of Company D, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary W. Ferrin, widow of Eaton Ferrin, late of Company C, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucie B. White, widow of Henry W. White, late of Troop C, Second Regiment Maine Volunteer Cavalry, and pay

her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lydia Deming, widow of Orin H. Deming, late of Troop H, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

Mr. GLENN. Let the bill go over.

The PRESIDING OFFICER. Did the Chair understand the Senator from Illinois to object to the further consideration of the bill?

Mr. GLENN. Yes, sir.

The PRESIDING OFFICER. The bill will go over, under objection.

BILL PASSED OVER

The bill (H. R. 101) for the award of the air mail flyer's medal of honor was announced as next in order.

Mr. NORRIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF DISTRICT COMMISSIONERS OF CERTAIN MINISTERIAL DUTIES

The bill (S. 4963) to relieve the Commissioners of the District of Columbia of certain ministerial duties was announced as next in order.

Mr. ROBINSON of Arkansas. I think that bill had better go over.

Mr. KING. Mr. President, may I say to my friend from Arkansas that the bill merely authorizes certain officials, in the absence of the commissioners, to sign deeds.

The PRESIDING OFFICER. Did the Chair understand the Senator from Arkansas to interpose an objection?

Mr. ROBINSON of Arkansas. I withdraw the objection.

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That on and after the passage of this act it shall be lawful for the secretary of the Board of Commissioners of the District of Columbia, or in his absence or upon his inability to act, such person as said commissioners may designate, when directed so to do by said commissioners, to execute in the name of the District of Columbia or of said board, by attaching thereto his signature as such secretary and affixing when requisite the seal of said District, any deed, contract, pleading, lease, release, regulation, notice, or other paper, which heretofore said commissioners were required to execute by subscribing thereto their respective signatures: *Provided*, That prior to such signing, and sealing, if requisite, said deed, contract, pleading lease, release, regulation, notice, or other paper shall first have been considered and approved by the Board of Commissioners, or a majority of them, sitting as a board, and evidence of such consideration and approval shall be reduced to writing and recorded in the minutes of said Board of Commissioners, which minutes shall thereafter be signed by a majority of said Board of Commissioners.

BILLS PASSED OVER

The bill (H. R. 8649) to authorize the Postmaster General to collect an increased charge for return receipts for domestic registered and insured mail when such receipts are requested after the mailing of the articles, and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5659) to authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail, and for postal money orders was announced as next in order.

Mr. GEORGE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

SHORTER WORK WEEK FOR POSTAL EMPLOYEES

The Senate proceeded to consider the bill (H. R. 6603) to provide a shorter work week for postal employees, and for other purposes, which was read, as follows:

*Be it enacted, etc.*, That when the needs of the service require supervisory employees, special clerks, clerks, and laborers in first and second class post offices, and employees of the motor-vehicle service, and carriers in the City Delivery Service and in the village delivery service, and employees of the Railway Mail Service, to perform service in excess of four hours on Saturday they shall be allowed compensatory time for such service on one day within five working days next succeeding the Saturday on which the excess service was performed: *Provided*, That employees who are granted compensatory time on Saturday for work performed the preceding Sunday or the preceding holiday shall be given the benefits of this act on one day within five working days following the Saturday when said compensatory time was granted: *Provided further*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service in excess of four hours on the last three Saturdays in the calendar year in lieu of compensatory time: *And provided further*, That for the purpose of extending the benefits of this act to railway postal clerks the service of said railway postal clerks assigned to road duty shall be based on an average not exceeding 7 hours and 20 minutes per day for 306 days per annum, including a proper allowance for all service required on lay-off periods as provided in Post Office Department circular letter No. 1348, dated May 12, 1921; and railway postal clerks required to perform service in excess of 7 hours and 20 minutes daily, as herein provided, shall be paid in cash at the annual rate of pay or granted compensatory time, at their option, for such overtime. This act shall take effect at the beginning of the second quarter after its passage.

Mr. SHORTRIDGE. Mr. President, I have been requested to suggest an amendment to this bill by inserting, on line 4, page 1, the words "and watchmen," so that the sentence would read:

That when the needs of the service require supervisory employees, special clerks, clerks, laborers, and watchmen in first and second class post offices—

And so forth.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from California.

Mr. ODDIE. Mr. President, I should like to understand the amendment a little better.

Mr. SHORTRIDGE. I favor the bill; but it has been suggested to me, to clear up some ambiguity, that those two words should be added as I have stated them.

Mr. ODDIE. Mr. President, I think this is a very just amendment.

Mr. ROBINSON of Arkansas. Mr. President, this bill has been placed on the legislative program for consideration. It is an important bill; and while I do not wish to be in the attitude of obstructing it, I do think the bill should be given some consideration. I do not think Senators should even suggest, in view of the status of this measure, that it be taken up and disposed of under the present order. Therefore it will go over.

The PRESIDING OFFICER. The bill will be passed over, under objection.

Mr. ODDIE. Mr. President, may I ask the Senator from Arkansas whether he will object to having consideration of this bill this evening, when the calendar is considered under the special order?

Mr. ROBINSON of Arkansas. Mr. President, I think the bill, being on the program for consideration, should receive consideration, and I do not think I ought to be expected to say now what I will do on some future occasion. I do not think I am opposed to the bill. On the contrary, I think I favor it.

Mr. SHORTRIDGE. Mr. President, may we agree that it may come up for consideration before adjournment?

Mr. ROBINSON of Arkansas. I do not anticipate that there will be any objection to taking it up.

The PRESIDING OFFICER. The bill goes over under objection, and the Secretary will report the next bill on the calendar.

INVESTIGATION AND SURVEY OF MALARIA CONDITIONS

The Senate proceeded to consider the joint resolution (S. J. Res. 188) authorizing the Surgeon General to conduct an investigation and survey of malaria conditions in the United States, which had been reported from the Committee on Commerce with an amendment to strike out all after the resolving clause and to insert:

That the Surgeon General of the United States is requested to report to Congress at his earliest convenience (1) the nature and extent of his investigation and survey of conditions in the malaria areas in the United States, and (2) whether additional legislation or appropriations are necessary for adequate investigation and survey looking toward the eradication of malaria in said areas.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MONONGAHELA RIVER IMPROVEMENT

The joint resolution (S. J. Res. 221) amending section 1 of the act entitled "An act authorizing the construction,

repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 3, 1930, relating to the Monongahela River, Pa., was announced as next in order on the calendar.

Mr. McNARY. Mr. President, I am advised that it will be the pleasure of the Senator from California [Mr. JOHNSON] to have this go over for the present, and in his absence I ask that it go over without prejudice.

The PRESIDING OFFICER. The joint resolution will be passed over without prejudice.

TITTABAWASSEE AND CHIPPEWA RIVERS, MICH.

The Senate proceeded to consider the bill (H. R. 2936) to provide for a preliminary examination of the Tittabawassee and Chippewa Rivers, Mich., with a view to the prevention and control of floods.

Mr. BRATTON. Mr. President, I offer an amendment to this bill, on line 5, after the word "Michigan," to insert the words "and San Juan River, N. Mex."

The amendment was agreed to.

Mr. NORRIS. Mr. President, I would like to have an explanation of this bill from the Senator from Michigan or some one else.

Mr. VANDENBERG. Mr. President, I think the bill speaks for itself on its face.

Mr. NORRIS. Is it not quite a long bill?

Mr. VANDENBERG. No; it provides merely for a survey of two small streams by the War Department, at their own suggestion, to see whether they can furnish the local authorities some helpful consultation, for assistance in the local flood situation.

Mr. NORRIS. I have read the title of the bill, and I wonder why such a survey should be confined to any particular locality. There are hundreds of places in the Mississippi Valley where it seems to me the Government could very well conduct such surveys. I am not opposing this bill, because I know nothing about it, but I do not understand why we should confine operations on the part of the Federal Government to some locality.

Mr. VANDENBERG. I do not think we are confining the Government's activities. The committee has reported all similar local survey bills, when approved by the board of river and harbor engineers of the War Department.

Mr. NORRIS. Is it for the construction of a dam to hold back flood waters?

Mr. VANDENBERG. It is for the construction of nothing. It is for the creation of a plan by which, originally, the local authorities could proceed in conjunction with an ultimate development of the streams for navigation purposes. It involves no appropriation of any nature.

Mr. NORRIS. I understand that; and I am not criticizing the bill.

Mr. VANDENBERG. I understand.

Mr. NORRIS. As far as I know, I am not opposed to it; but I am wondering why the same legislation should not apply to hundreds of other places, why the legislation should not be general. Is it intended that ultimately, as the outcome of the passage of this bill, dams shall be constructed for the purpose of preventing floods, holding back flood waters?

Mr. VANDENBERG. I am unable to say to the Senator what the recommendation of the department will be.

Mr. NORRIS. If it is not that kind of a recommendation, it will not be of any consequence, will it?

Mr. VANDENBERG. In this particular instance there might be a recommendation directed to the local authorities in connection with their own activities.

Mr. NORRIS. I have never seen the bill before, but I notice that it refers to an act to provide for control of the floods of the Mississippi River, and the Sacramento River in California, and for other purposes.

Mr. FLETCHER. Mr. President, it provides simply for a preliminary examination. I agree with the Senator that the various projects ought to be in one bill, but these bills have come over from the House carrying authorizations for preliminary examinations. When they make the examinations, the engineers will report whether the projects are to be proceeded with.

Mr. NORRIS. Mr. President, I think I understand the measure. The object is this, if they find that there is a proper location for holding back flood waters, there will be a bill authorizing the building of a dam to hold back the flood waters. In other words, that would be the control of the flood waters of the Mississippi Valley by what is known as contributory control. I am a thorough believer in that myself, but I do not understand why we should go at it piecemeal. If it should develop that in a particular instance there is no natural flood basin so that flood waters could be held back, I presume there would be an adverse report, and nothing further would happen. Why can not the engineers of the Government proceed in making these surveys without legislation as to each particular case?

Mr. KING. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. KING. As I understand this bill—and I want to be corrected if I am in error—it is not conceded that it is a bill which would justify Federal intervention in a matter of the construction of dams, or what not. It does seem to me that the Federal Government should not be called upon to furnish engineering skill to a State to aid them in solving their State problems. In my State there are many canyons, and streams flowing down the canyons, and sometimes those streams do a vast amount of damage. We have not called upon the Federal Government to furnish us its engineers to aid us in determining how we can control those floods.

Mr. VANDENBERG. Mr. President, may I say to the Senator from Utah that in this particular instance it is an open question as to where the responsibility is at this point. At the present time the local authorities and the State authorities are proceeding on the theory that it is their responsibility. The chief desire at the moment is to be sure that any plan which may be developed may not be a wasted plan in any respect and in the event that it becomes a Federal responsibility ultimately.

Mr. PHIPPS. Mr. President, will the Senator from Michigan yield?

Mr. VANDENBERG. I yield.

Mr. PHIPPS. I desire to read from the report on this bill as follows:

> The purpose of a preliminary examination is to ascertain what a detailed survey of the project will cost; what Federal interest, if any, is involved; and what share of the expense, if any, should be borne by the United States.

Mr. VANDENBERG. Precisely.

Mr. PHIPPS. It seems to me that explains the purpose of the bill.

The PRESIDING OFFICER. The question is, Shall the amendment be engrossed and the bill read the third time?

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide for a preliminary examination of the Tittabawassee and Chippewa Rivers, Mich., and the San Juan River, N. Mex., with a view to the prevention and control of floods."

MOHICAN RIVER DITCH

The bill (H. R. 8290) to authorize and direct a preliminary examination of the Mohican River Ditch from Lake Fork, Ohio, south a distance of 8 miles, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

EXAMINATION OF MOKELUMNE RIVER, CALIF.

The bill (H. R. 9779) authorizing a preliminary examination of the Mokelumne River, Calif., and its tributaries, with a view to the control of floods, was announced as next in order.

Mr. McKELLAR. Let that go over.

Mr. SHORTRIDGE. Mr. President, I ask the Senator from Tennessee to withhold his objection.

The PRESIDING OFFICER. Does the Senator from Tennessee withhold the objection?

Mr. McKELLAR. I do.

Mr. SHORTRIDGE. Mr. President, as Senators will see, this bill passed the House and was sent to the Senate, it went to the Committee on Commerce, of which my colleague [Mr. JOHNSON] is chairman, and was reported without amendment. The bill has to do with a very important river in California, the Mokelumne River. This river rises in the Sierra Mountains and flows westward toward the sea. I respectfully submit to the Senator from Tennessee that the bill might well now pass.

Mr. McKELLAR. It is similar to the bill that was passed a few moments ago relating to some rivers in Michigan?

Mr. SHORTRIDGE. I do not know exactly. I have not the report as to the other bill before me.

Mr. McKELLAR. I withdraw my objection.

The bill was read the third time and passed, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Mokelumne River and its tributaries below Woodbridge, Calif., with a view to the control of floods in accordance with the provisions of "An act to provide for control of the floods of the Mississippi River and the Sacramento River, Calif., and for other purposes," approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

H. E. MILLS

The bill (H. R. 7063) for the relief of H. E. Mills was considered, ordered to a third reading, read the third time, and passed, as follows:

That the Secretary of the Treasury is authorized and directed to pay to H. E. Mills, Springdale, Wash., out of any money in the Treasury not otherwise appropriated, the sum of $804, representing the amount disallowed by the Comptroller General in certificate of settlement No. 0136739-I, to cover liquidated damages for delay in performance of the contract of such H. E. Mills with the Department of the Interior for construction of two frame cottages for the Colville Indian Agency.

INDIAN VILLAGE AT ELKO, NEV.

The Senate proceeded to consider the bill (H. R. 11443) to provide for an Indian village at Elko, Nev., which was read, as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $20,000 to be expended in the discretion of the Secretary of the Interior for the purchase of a village site for the Indians now living near Elko, Nev.; for the removal, repair, and enlargement of their present homes and the construction of new homes, where necessary; and for the installation of sanitary sewer and water systems for said village, including connection, if practicable, to the water system of Elko, Nev.

Mr. KING. Mr. President, I would like to have the chairman of the Committee on Indian Affairs furnish a brief explanation of this measure.

Mr. FRAZIER. Mr. President, about 250 Indians live near Elko, Nev., according to the statement of the Commissioner of Indian Affairs, Mr. Rhoads. They live there in houses built by the Government. These Indians work in town, about a mile and a half away, but their homes are on a side hill, where there is no chance for proper sewerage facilities. There is a proposition to buy land closer to town, the cost of the land, and the sewerage, roads, and moving the Indian houses to the land will cost, it is estimated, $20,000.

The committee considered this bill very carefully, and I think the measure is a worthy one and should be passed.

The bill was ordered to a third reading, read the third time, and passed.

PRICE OF BREAD IN THE DISTRICT OF COLUMBIA

The resolution (S. Res. 362) to investigate the price of bread in the District of Columbia was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I do not wish to object to the consideration of the resolution, but I think the Senator from Kansas should take a few minutes to state the purpose of the resolution, and explain the necessity for it.

Mr. CAPPER. Mr. President, the pending resolution, introduced by me, has to do with an investigation as to disparity in prices, wholesale and retail, with reference particularly to wheat and wheat products.

A resolution introduced about two weeks ago and referred to the Committee on Agriculture and Forestry provides for a similar investigation, but covering a much broader scope, and including those divisions which are contemplated in the resolution now before the Senate. It is the judgment of the Committee on Agriculture and Forestry, and the judgment of the Committee on the District of Columbia, that one investigation will cover the entire subject. A subcommittee has already been appointed by the chairman of the Committee on Agriculture and Forestry, the Senator from Oregon [Mr. McNARY]. I myself have been named as the chairman of the subcommittee, and the other members are the Senator from Delaware [Mr. TOWNSEND]——

PROHIBITION ENFORCEMENT IN THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3344.

The Senate resumed the consideration of the bill (S. 3344) supplementing the national prohibition act for the District of Columbia.

Mr. ROBINSON of Arkansas. I inquire of the Senator from Oregon whether he would not like to vacate the order for a night session and proceed with the consideration of the calendar at this time?

Mr. McNARY. Mr. President, I rose to discuss that very thought. I would not want to vacate the order at this time. I want to propose a modification, of course subject to the approval of the Senator from Nebraska [Mr. HOWELL], who is in charge of the unfinished business. I was going to suggest, inasmuch as we have disposed of 8 pages of the printed calendar of 25 pages in less than an hour, that probably in an hour and a half more we could finish the call of the calendar and therefore avoid a night session, and thereafter abrogate the unanimous-consent agreement for a night session. I address my suggestion to the Senator from Nebraska to see if he would be willing under the unanimous-consent agreement to temporarily lay aside his bill and proceed with the consideration of unobjected bills on the calendar until we complete the call of the calendar, which I estimate could be done in an hour and a half.

Mr. HOWELL. Mr. President, I should be very glad to do anything to aid in expediting business, but if we lay aside the unfinished business now for this purpose, then the next thing in order is the War Department appropriation bill. That would come up and have the right of way. Under those circumstances, therefore, I feel that I must object.

The PRESIDING OFFICER. Objection is made.

Mr. McKELLAR. Mr. President, will the Senator withhold his objection just a moment? I think the Senator from Pennsylvania [Mr. REED] is not here to-day. I understand that he is ill, and so he would not make that request to-day, I am quite sure.

Mr. McNARY. I can answer that suggestion. The Senator from Pennsylvania is indisposed, and there will be no effort made to bring up the War Department appropriation bill to-day.

Mr. HOWELL. I realize that that is true and that the request will not be made to-day, but it may be made tomorrow. If we proceed with the unfinished business now we will be just that much further along.

The PRESIDING OFFICER. Objection is made.

Mr. ROBINSON of Arkansas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Broussard | Davis | Goff |
| Barkley | Bulkley | Deneen | Goldsborough |
| Bingham | Capper | Dill | Gould |
| Black | Caraway | Fess | Hale |
| Blaine | Carey | Fletcher | Harris |
| Blease | Connally | Frazier | Harrison |
| Borah | Copeland | George | Hastings |
| Bratton | Couzens | Gillett | Hatfield |
| Brock | Cutting | Glass | Hawes |
| Brookhart | Dale | Glenn | Hayden |

| | | | |
|---|---|---|---|
| Heflin | McNary | Pittman | Townsend |
| Howell | Metcalf | Ransdell | Trammell |
| Johnson | Morrison | Robinson, Ark. | Vandenberg |
| Jones | Morrow | Sheppard | Walcott |
| Kean | Moses | Shipstead | Walsh, Mass. |
| Kendrick | Norbeck | Shortridge | Walsh, Mont. |
| Keyes | Norris | Smith | Waterman |
| King | Nye | Steiwer | Watson |
| La Follette | Oddie | Stephens | Wheeler |
| McGill | Partridge | Swanson | Williamson |
| McKellar | Phipps | Thomas, Idaho | |
| McMaster | Pine | Thomas, Okla. | |

The PRESIDENT pro tempore. Eighty-six Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Wisconsin [Mr. BLAINE].

Mr. HOWELL. Mr. President, this amendment involves a question as to whether we propose to afford regulations sufficient to stop the bootlegger in Washington or at least to curb his activities or whether we are going to refuse to do it.

During the examination of witnesses that took place before the Committee on the District of Columbia in connection with the bill Sergeant Little was placed on the stand. I take the liberty of reading some of the evidence which he gave:

Senator HOWELL. What becomes of the liquor that is brought into the District? I mean when a bootlegger brings in a load of liquor, what does he do with it?

Sergeant LITTLE. As a rule, a majority of them have a storehouse.

Senator HOWELL. What is the nature of the storehouse?

Sergeant LITTLE. The majority of them have private dwellings.

Senator HOWELL. Do they make sales from these private dwellings? How do they distribute the liquor?

Sergeant LITTLE. They have a certain location where they receive telephone calls. That telephone call then is relayed to the storehouse, and then the supply goes out from that storehouse, taken out in closed cars, which you have to have probable cause in order to stop, in order to search the car.

For example: Here is a private dwelling. An automobile is parked in the rear. Liquor is surreptitiously introduced into that automobile. The automobile starts away. Police officers may not search that automobile unless they have a search warrant. They must have probable cause. They must be able to make affidavit showing probable cause that the automobile contains liquor to be sold. They did not see the liquor put in the automobile. The automobile resembled hundreds and thousands of other automobiles upon the streets. But even if they were able to identify the automobile and stop it and discover the liquor in the automobile, the courts of the District of Columbia would release that liquor and return it to the bootlegger because of a lack of evidence of sufficient cause or probable cause for the searching of the machine. Therefore anyone can realize the difficulties which confront police officers here in the District of Columbia in apprehending bootleggers who utilize private dwellings as storehouses for their liquor.

I read further from the hearings:

Senator HOWELL. And is it difficult to locate these storehouses?

Sergeant LITTLE. Sometimes it is, but after locating them, we would not be able to enter those premises legally without a search warrant.

Senator HOWELL. Can you secure a search warrant, when you know, as a matter of fact, that a private dwelling, used as a storehouse, is filled with liquor?

Sergeant LITTLE. Not unless you have a sale from those premises.

Senator HOWELL. Did you say they make sales from such premises?

Sergeant LITTLE. No, sir.

Senator HOWELL. Therefore you are unable to get a search warrant.

Sergeant LITTLE. That is exactly right.

Senator HOWELL. And even though you know the location of the warehouse, and know it is used unlawfully to supply liquor throughout Washington, you are unable to seize the liquor contained therein, because you are unable to get a search warrant.

Sergeant LITTLE. Exactly so.

Senator JONES. Why isn't there a sale made from that storehouse in this round-about way you mention?

Sergeant LITTLE. Why isn't there one?

Senator JONES. Yes. Why isn't that a sale from that storehouse?

Sergeant LITTLE. Well, under the laws, a sale, to be completed, has to be completed on the premises. I mean by that that the money has to be exchanged on the premises before you can get a search warrant to enter them.

Senator HOWELL. It is usually necessary to have some one enter with marked money, is it not?

Sergeant LITTLE. To make your case strong; yes, sir.

Senator HOWELL. Make the purchase, and come out, and then you make a raid and secure the marked money. That is the usual method of a sure case?

Sergeant LITTLE. That is the usual method.

Senator HOWELL. And it is impossible to do that with these storehouses from which the bootleggers make no sales whatever?

Sergeant LITTLE. Very true.

Senator HOWELL. Do you regard it necessary, in order to stop such practices, that there should be a provision whereby a search warrant can be obtained, when you have evidence that a private dwelling is a storehouse for liquor?

Sergeant LITTLE. I think it is very essential.

As I have said, the question is, Are we going to provide a method whereby the bootlegger can be reached in the city of Washington, or, on the contrary, are we going to allow Washington to remain the sanctuary of the bootlegger? The District of Columbia, less than 10 miles square, is right in the midst of a region where the bootlegger can not get by with such tactics; he can only do it in this area less than 10 miles square which constitutes the District of Columbia.

Mr. VANDENBERG. Mr. President, will the Senator from Nebraska yield to me?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. HOWELL. I yield.

Mr. VANDENBERG. I am sure the Senator does not think that the Attorney General wants to preserve the District of Columbia as a bootleggers' sanctuary, and yet he is opposed to the amendment which the Senator has injected into the bill.

Mr. HOWELL. Mr. President, the Attorney General has never told me that he was opposed to or thought unnecessary such an amendment. What he said was he thought it was inexpedient to try to get such a measure through.

Mr. President, the Prohibition Unit was represented at these hearings by Judge Britt, chief counsel for the Bureau of Prohibition, and when questioned about this matter he said—I am quoting from Judge Britt's testimony:

Of course, any opinion of mine that should be at variance with that of General Youngquist and Attorney General Mitchell should be very carefully scrutinized, but I assume if I have a shade of variance on any opinion in the matter at this stage you would want me to reflect it to you.

I don't think that the provisions for the inclusion of the object of search are too numerous in section 10.

Judge Britt has been the general counsel for the Prohibition Unit for nearly nine years. The Attorney General has not been here that long, as Senators are aware. So far as Mr. Youngquist is concerned, he has been here only for the last year or year and a half; but Judge Britt, of the Prohibition Unit, which has the information as to the difficulties that are confronted by officials in enforcing prohibition in the District of Columbia, does not hesitate to say that the provisions of this bill to reach the storage warehouses of the bootlegger in the District are not too numerous.

Mr. President, I should like to ask the author of the pending amendment how it is proposed to reach the bootlegger in the District of Columbia? Are we going to admit that there is no way by which we can reach the bootlegger? Are we to admit that he is to continue enjoying the privilege of a safe warehouse within this District? Mr. President, if we admit that, we admit we have not the will to enforce prohibition in the District of Columbia. The bootlegger can not carry on business in that way in Montgomery County, just north of the District, or in Prince Georges County, east of the District, or in Virginia, south of the District, but he can carry on in that manner freely and safely here in the District of Columbia, the seat of the National Capital. The search-warrant provisions in Virginia, in Prince Georges County, and in Montgomery County are such that liquor may be seized if there is probable cause that it is stored in a private dwelling for sale at any time.

Mr. President, 29 States in the Union have State prohibition laws and one other State, the State of Maryland, has county prohibition laws, under which the provisions for search of private dwellings exceed in severity the provisions of the national prohibition act. The national prohibition

act is a general statute affecting the whole Nation, but it was designed to be supplemental to the various local police regulations. It will be remembered how much it was regretted by citizens in general that some of the States repealed their local enforcement laws. At the present time there are some five political subdivisions of continental United States that have repealed their local liquor laws, and thereby have made the enforcement of prohibition immeasurably more difficult than under local enforcement laws. One of those political subdivisions is the District of Columbia.

As I have previously stated the Congress has a dual duty respecting the District of Columbia. The Congress enacts laws for all the country including the District of Columbia, but, in addition, it is the legislature of the District of Columbia, and therefore as to legislation for the District of Columbia, it should and does, provide police regulations. It provides police regulations respecting liquor in an act passed some years ago, but that act was repealed by implication in 1920. That act contained a search provision equivalent to that proposed by this bill; in fact it even went further, and the law of which that provision was a part was enforced here for three years. No one complained. Why should not that be the law in the District of Columbia to-day? Why should there be hesitation on the part of Congress to enact laws and police regulations on the subject?

I can not understand the attitude of those who are opposed to such action on the part of Congress unless there is a desire to make the enforcement of prohibition in the District of Columbia a laughing stock throughout the Nation.

We are informed by the press that the strategy of the present administration is to dry up the sources of liquor coming into the District of Columbia. If it is important, which of course it is, to dry up the sources, is it not also important to dry up the pools of liquor that have been and are established here?

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Texas?

Mr. HOWELL. I yield.

Mr. SHEPPARD. The Senator will doubtless agree that where a still is operating within a so-called dwelling house it provides a source of supply of illicit liquor.

Mr. HOWELL. Most assuredly. When a still is being operated in a dwelling house——

Mr. SHEPPARD. A so-called dwelling house.

Mr. HOWELL. Well, a so-called dwelling house.

Mr. SHEPPARD. It ceases to be a home when it is used for criminal purposes.

Mr. HOWELL. Of course, a dwelling house immediately becomes the locus of commercial activity when a still it set up for the distillation of liquor. When evidence is secured that there is a still being set up with the intent to produce liquor unlawfully and to distribute it, or that a still has been set up and is already unlawfully distributing liquor, is it not absurd, is it not a travesty upon enforcement to admit that in the Capital of the Nation such a still can not be reached? Can it be possible that the Senate will put its stamp of approval upon such a situation—will put its stamp of approval upon silence such as will enable these stills to continue to be set up and continue to be operated?

At a hearing before the Committee on the District of Columbia in connection with this bill, Sergt. Oscar J. Letterman testified as follows:

Speaking of the storehouses, a bootlegger will have his telephone in one apartment, and just across the way he will have his storehouse. You are the customer. You will telephone in to him, "I am Bill Jones, number so and so, born on such and such a date."

That is one of the identification methods.

All right. He will telephone to his runner, "Take a quart down to Jones." He won't sell direct from that apartment house, and if you should catch a man coming out of there, we know he has a pint on him. I have heard the call over the phone and must know just about where he is going to take it. I will stop that man, knowing he is a runner, but he has got that liquor in his inside coat pocket. It is concealed. I will stop him, search him, take the liquor away from him and charge him with transporting and possession, and 9 times out of 10 you won't get papers on it, because you couldn't see the liquor, and having seen it, what authority did you have to stop him when he is going along, not having violated any traffic laws?

That is thrown out also.

In other words, every obstacle is interposed to the officials in this city enforcing the prohibition law against the bootlegger. If hundreds of bootleggers have warehouses in this city where they can store their liquor with perfect safety, and if the courts will return the liquor to a bootlegger's assistant who is delivering it when the officer has apprehended him and arrested him, knowing almost to a certainty that he has liquor, what chance is there to enforce prohibition in the District of Columbia? Why should not bootlegging flourish here? Why should not this be considered one of the great places in the country for the bootlegging business? Every advantage is afforded in the Nation's capital to violate the liquor law.

In discussing this matter, the press has referred to this bill as "the home-search bill," "the home-raid bill." I feel that the people of this community have not had a proper notion of what this measure is. I have not a doubt that some one living in Chevy Chase, just to the north—the stranger can not discern any demarcation between Chevy Chase and Washington—may have come to entertain the same feeling respecting this search provision. I have not a doubt that there are residents in Chevy Chase who feel that the passage of this bill would be an invasion of the rights of citizens, and they are opposed to it; and yet it would not affect them at all. They live in Maryland. They live in Montgomery County, in a county where the search provisions of the enforcement laws are more drastic than the search provision in this bill.

Mr. President, the search provisions in effect in the following States are far more drastic than the provision in Senate bill 3344, now pending before the Senate: Idaho, Illinois, Iowa, Vermont, Arizona, Arkansas, California, Maine, North Carolina, South Carolina, Tennessee, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, North Dakota, Ohio, South Dakota, Utah, Virginia, Washington, and West Virginia. There are seven other States where a search warrant can be obtained for manufacture and sale: Alabama, Delaware, Nebraska, Oregon, Rhode Island, Texas, and Wyoming.

This bill is not a new departure. It is in accord with the practice generally throughout the United States. That being the case, if it is seriously desired that Washington should become a model city so far as prohibition is concerned, is it not time that there should be enacted local police regulations respecting liquor in this city?

Mr. FESS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Dill | Kean | Robinson, Ark. |
| Barkley | Fess | Kendrick | Sheppard |
| Bingham | Fletcher | Keyes | Shipstead |
| Black | Frazier | King | Shortridge |
| Blaine | George | La Follette | Smith |
| Blease | Gillett | McGill | Steiwer |
| Borah | Glass | McKellar | Stephens |
| Bratton | Glenn | McMaster | Swanson |
| Brock | Goff | McNary | Thomas, Idaho |
| Brookhart | Goldsborough | Metcalf | Thomas, Okla. |
| Broussard | Gould | Morrison | Townsend |
| Bulkley | Hale | Morrow | Trammell |
| Capper | Harris | Moses | Vandenberg |
| Caraway | Harrison | Norbeck | Walcott |
| Carey | Hastings | Norris | Walsh, Mass. |
| Connally | Hatfield | Nye | Walsh, Mont. |
| Copeland | Hawes | Oddie | Waterman |
| Couzens | Hayden | Partridge | Watson |
| Cutting | Heflin | Phipps | Wheeler |
| Dale | Howell | Pine | Williamson |
| Davis | Johnson | Pittman | |
| Deneen | Jones | Ransdell | |

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

Mr. SHEPPARD. Mr. President, in my judgment, the language of this bill, as it now stands, is essential to better enforcement of prohibition in the District of Columbia. If Senators vote for the Blaine amendment, they will, in my

opinion, vote to facilitate the illicit distillation of liquor and to encourage bootlegging in the District of Columbia.

A home ceases to be a home when it is used for the violation of law. The man who destroys the home, who divests it of its sacred character as a home, is the man who makes it a place for the desecration of the law.

In this District the bootleggers select a so-called dwelling place, store liquor in it, hire a family to live in it, and then claim the protection ordinarily accorded the American home.

Prohibition is a part of the American Constitution, and in my judgment every true American, wet or dry, every Senator, wet or dry, will favor effective measures for its enforcement, as long as it is a part of the Constitution and the laws of the United States.

Even Mr. Monte M. Lemann, a member of the Wickersham Commission, who said that he believed prohibition was a failure, and for that reason refused to sign the combined report, said that as long as prohibition remained in the Constitution and remained in the law he was in favor of all necessary measures for its effective enforcement.

Pass this amendment and you will say that an officer of the law who feels that he has good reason for the belief that an illicit still is in operation within a so-called dwelling place, and who lays his evidence before a magistrate and convinces that magistrate that he has good cause, can not secure a search warrant. I do not believe Senators will lend themselves to the support of such a measure.

Mr. BLAINE. Mr. President, I would like to ask the Senator a question. Is the Senator in favor of making the home subject to a search warrant——

Mr. SHEPPARD. A home ought to be subject to a search warrant if it is used for the violation of the law.

Mr. BLAINE. I did not finish my question and I want to finish it. Is the Senator in favor of search warrants issuing when wine grape concentrate is in the home? I suppose that the Senator understands that wine grape concentrate will make a wine of about 21 per cent alcoholic content.

Mr. SHEPPARD. That is not yet necessarily a violation of law. It has been held that it must be established by evidence in court that such liquor is intoxicating.

Mr. BLAINE. Does the Senator contend that liquor with 21 per cent alcoholic content is not intoxcating?

Mr. SHEPPARD. It would depend entirely on the verdict of the jury or the court so far as the law is concerned. As to whether a search warrant should issue would depend on the showing which the officer made before the magistrate who has it within his authority to issue the search warrant. Personally I think such liquor intoxicating.

Mr. BLAINE. Let me ask the Senator this question: Is the Senator willing to discriminate and permit wine grape concentrate to monopolize the entire legal liquor trade?

Mr. SHEPPARD. I did not say that. I said it would depend on the judgment exercised by the magistrate before whom the officer lays his evidence sustaining his belief or contention that the place is being used for the violation of the law, whether with wine grape concentrate or any other liquor.

Mr. BLAINE. Does the Senator contend that the use of wine grape concentrate, when manufactured into liquor which contains 21 per cent alcoholic content, is not in violation of the Volstead Act?

Mr. SHEPPARD. The Volstead Act is not definite on that point. It does not fix an alcoholic content for this type of drink. That is why the Wickersham Commission has recommended that we fix a definite alcoholic content for fruit juices and cider.

Mr. BLAINE. Let me ask the Senator this question: Is he in favor of placing all liquors under the same category with wine-grape concentrate?

Mr. SHEPPARD. I am in favor of putting all intoxicating liquors on the same basis.

Mr. BLAINE. The Senator would be willing to accept a modification of the Volstead Act to permit the possession in the home of any liquor that is substantially of no greater alcoholic content than wine grape concentrate will generate?

Mr. SHEPPARD. Not at all. I am in favor of fixing the limit of one-half of 1 per cent for grape juice and wine, as well as the other liquors.

Mr. BLAINE. Let me ask the Senator this direct question: Is the Senator in favor of permitting the monopolization of the trade by the wine-grape concentrate people?

Mr. SHEPPARD. I am not. I said I favored putting all intoxicating liquors on the same basis.

Mr. BLAINE. Has the Senator made any effort to bring wine-grape concentrates under the category of other liquor?

Mr. SHEPPARD. I can not do everything at once. I intend to do so.

Mr. BLAINE. Has the Senator introduced a bill to that effect?

Mr. SHEPPARD. I intend to do so.

Mr. BORAH. Mr. President, may I ask the Senator from Nebraska whether this bill has been amended in any way on the question of search?

Mr. HOWELL. Yes; words have been introduced. On page 6, line 1, the word " or " was stricken out, and in line 2 the words " purpose of sale, or is unlawfully," were added.

Mr. BORAH. As I understand, the Senator from Wisconsin moves to strike out of the bill certain language so as to leave the law precisely as it is in the Volstead Act. Is that correct?

Mr. BLAINE. That is absolutely correct. I might state that I made a comparison of the language which will remain in the bill, if my amendment is adopted, with the Volstead Act, and it is word for word identical with the provision of the Volstead Act on this question.

Mr. BORAH. I would like to ask the Senator from Nebraska a question. Is it not true that the Attorney General found objection to some parts of this measure in regard to search and seizure?

Mr. HOWELL. He said he thought it was inexpedient to extend the present search and seizure feature. Therefore he cut out, in the draft he made—and this is practically the draft—the words respecting sale. He cut out these words:

> Or a still or distilling apparatus is unlawfully set up or being used therein, or intoxicating liquor is unlawfully delivered thereto or unlawfully removed therefrom.

Mr. BORAH. In other words, the Attorney General desired to leave it practically as the Volstead Act had it?

Mr. HOWELL. He did.

Mr. BORAH. I think the Volstead Act went far enough.

Mr. HOWELL. Mr. President, I would like to ask the Senator how he proposes to stop the flourishing of bootleggers in the city of Washington. There are storage places here in the city of Washington which can not be reached because they are maintained in private dwellings, from which the bootleggers never make a sale.

Mr. BORAH. Does the Senator propose to allow the officers to enter a dwelling whether it is being used unlawfully or not?

Mr. HOWELL. Only where it is used unlawfully.

Mr. BORAH. The Senator has left in the bill a provision which would cover that:

> No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor.

If a home is being used as a place for the unlawful sale of liquor, permission is now given to have a search warrant issued.

Mr. HOWELL. Yes; but the bootlegger in Washington never makes a sale at his storehouse. He maintains an office somewhere else. He determines by telephone that the customer who calls is safe, and then he relays the order to his warehouse. The warehouse is in a private dwelling. No sale is made there. A man emerges from the private dwelling with a pint of liquor in his inside pocket, an overcoat buttoned over it, and walks away. A policeman can not even apprehend him, although he knows he is a bootlegger. If he does apprehend him on the street and takes the pint

of liquor away from him, the courts will return the liquor to the bootlegger, because they will insist that there was not probable cause for making a search of that bootlegger on the street.

In other cases the bootlegger will park his automobile in the rear of a private dwelling, take liquor out stealthily, place it in his automobile and drive off. There is no open evidence of any liquor whatever, but a policeman seizes the automobile and takes therefrom a hundred quarts of liquor. The court will return the liquor, because they would hold that the policeman had no probable cause for apprehending the automobile. That is the situation which confronts the city of Washington to-day and the officials who are trying to enforce law here. The question is, how are we going to settle it? Are we going to allow private dwellings to be used as storage places for liquor, when the bootleggers will never make a sale in such dwellings, and, as a consequence, the officers can never get a search warrant to search them?

Mr. WALSH of Montana. Mr. President, I am a little surprised at the statement made by the Senator from Nebraska, and I would like to get some information about the matter.

The Senator tells us that if a man walks out of one of these houses with a pint bottle of whisky concealed somewhere on his person and is arrested by an officer, the officer has no right to search him or to take the liquor?

Mr. HOWELL. The officers testified before the committee that they could not get the necessary papers.

Mr. WALSH of Montana. That is a rather startling situation of affairs.

Mr. HOWELL. That is what we are confronted with.

Mr. WALSH of Montana. What the city needs, then, is some better officers, or it needs some better courts, because there is no question in the world about the right of an officer to arrest a man with liquor on his person, carrying it away. He is actually in the commission of a crime in having the liquor in his possession or in transporting it from one place to another. The officer actually apprehends him in the actual commission of a crime, but is unable to take the liquor away from him.

Mr. HOWELL. The courts here hold, and have held repeatedly, that when an officer stops an automobile which he has come to recognize as a bootlegger's car and which he knows is loaded with liquor, although he can not see the liquor, if the officer stops the automobile and finds the liquor, the bootlegger will get off and the liquor will be returned, because the officer had not probable cause in apprehending the bootlegger.

Mr. WALSH of Montana. He may not have had probable cause for apprehending him, but if he had probable cause there was no reason why he should not have taken the automobile.

Mr. HOWELL. But the courts would hold it was not probable cause and would return the liquor to the bootlegger.

Mr. WALSH of Montana. What I apprehend from the statement made by the Senator from Nebraska is that what he needs is not further legislation, but what he needs is some courts and some officers that will enforce the existing law.

Mr. HOWELL. The Prohibition Unit advised that we have not the proper local enforcement laws in the District of Columbia and this is one of the provisions they recommend. The police department reported the same thing.

Mr. WALSH of Montana. I was not speaking about this particular provision. I was speaking about the difficulties which the Senator from Nebraska has shown incident to enforcement of the law in the District of Columbia. It seems to me from his statement that there is something wrong with the administration of the law and not with the law.

Mr. HOWELL. That is true, and I agree with the Senator from Montana; but when I inquired as to what was the trouble and what ought to be done, my attention was called to the fact that there are no local police laws in the District of Columbia relating to the enforcement of the prohibition law.

Mr. WALSH of Montana. I fear that was offered as an excuse for the failure of officers to do their duty under the existing law.

Mr. HOWELL. It may be.

Mr. BORAH. Let me ask the Senator from Nebraska a question. The bill reads as follows:

> No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor or unless such dwelling is in part used for some business purpose, such as a store, shop, saloon, restaurant, hotel, or boarding house. The term "private dwelling" shall be construed to include the room or rooms used and occupied not transiently but solely as a residence in an apartment house, hotel, or dwelling house.

Does not the Senator think that with a faithful class of officers he could reach any reasonable condition of affairs which would arise?

Mr. HOWELL. After the investigation that I made I came to the conclusion that such a clause as this is absolutely necessary. It was not suggested by me. It was suggested in the Prohibition Unit and the police department.

Mr. BORAH. It would have much more force with me if it had been suggested by the Senator and not by the Prohibition Unit.

Mr. HOWELL. I have not the necessary experience in the enforcement of law here in the District of Columbia, but I did talk with a number of officers who are seriously and conscientiously endeavoring to enforce the law. But, as I stated, I found that there were but four police officers detailed to stem the tide of liquor into this city that is entering by 24 highways, and they only have one automobile and that is an old one.

Mr. BORAH. But it is not necessary to invade the home in order to reach such conditions as that. The Senator knows perfectly well that if those officers really wanted to enforce the law there are notorious violations of the law, clearly separate and apart from any invasion of the home, of which they could take hold. There is no need of making rules which invade the home and violate the most sacred principles of American constitutional government in order to try to cover up the dereliction of officers who are not doing their duty.

Mr. HOWELL. I should like to ask the Senator from Idaho if he thinks it would be improper if a still is being operated in a private dwelling to afford a search warrant upon proper evidence?

Mr. BORAH. A still is only an incident of the unlawful use of the place for selling liquor, and that is covered by the general proposition.

Mr. HOWELL. But one can only obtain a search warrant on the ground that a sale is being made in the District of Columbia, and the sale must take place on the premises.

Mr. BORAH. The language is:

> No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquors or unless such dwelling is in part used for some business purpose, such as a store, shop, saloon, restaurant, hotel, or boarding house.

What the Senator claims is that unless a sale actually takes place in the house, unless we have a law which covers that particular point, we can not reach the party.

Mr. HOWELL. We can only reach the party in case the sale actually takes place in the house. In the Senator's own State a search warrant can be secured for sale and possession, or for possession only. We do not go that far in this bill.

Mr. BORAH. I was not a member of the legislature of my State.

Mr. HOWELL. I know, but the Senator is aware it is not abused in his State.

Mr. BORAH. I do not know about that, but I do know that it has been abused. I was opposed, as I said the other day, to the Volstead Act in the first place, because I thought it went too far. We are bringing the execution of this law into disrepute by undertaking to do those things which we ought not to do and by failing to do those things which we ought to do without any trouble. We can enforce this

law without disregarding the most fundamental principles of free government.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. HOWELL. I yield.

Mr. FESS. I think every Senator recalls the presentation of the Senator from Nebraska several weeks ago in which he charged that the law is not being enforced in the District of Columbia. There was a tremendous reaction to that statement in the press and otherwise. The Senator stood his ground on the basis that there is violation. He made an investigation in response to some demands here, and in cooperation with officers. The result of that investigation is the bill which is now before us. The bill is an attempt to meet what the officers stated was the weakness which subjected them to the charge the Senator made here on the floor. Is not that correct?

Mr. HOWELL. It is. We simply went as far and no farther than the suggestions made by the officers of the law and those engaged in an effort to enforce the law.

Mr. BORAH. As I said the other day, I would not have any objection to the words "or a still or distilling apparatus is unlawfully set up or being used therein"; but when the Senator adds "or intoxicating liquor is unlawfully delivered thereto for purpose of sale or is unlawfully removed therefrom," I think it goes entirely too far.

Mr. HOWELL. I should be glad if the Senator could suggest some method of reaching the storehouses of the bootleggers in Washington. Let me reread the statement of Sergeant Little, who is in charge of the squad trying to stem the bootleg liquor flowing into Washington.

Mr. WALSH of Montana. Mr. President, before the Senator goes to that let me call his attention to the language of the bill if the Blaine amendment should be adopted. It would then read:

> No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor, or unless such dwelling is in part used for some business purposes, such as a store, shop, saloon, restaurant, hotel, or boarding house.

If a dwelling is used as a storage house for the sale of intoxicating liquor to be handed out to people who come there upon an order from the office downtown to get it, is it not then used for a business purpose?

Mr. HOWELL. It is undoubtedly used for a business purpose, but a search warrant can not be obtained upon any such probable cause.

Mr. WALSH of Montana. Oh, yes. That is the language of the statute. A search warrant can be obtained whenever the dwelling is used for a business purpose.

Mr. HOWELL. I only know the situation as I learned it from the Prohibition Unit and police department; that is, that there is an utter inability to secure papers, as they say, in cases of warehouses where they have never been able to obtain evidence of a sale.

Mr. WALSH of Montana. I submit to the Senator it is not because of any want of legislation, but there is some other reason for it. The officers will not enforce the law.

Mr. HOWELL. If it were not for such officials as Judge Britt, who has been in the Prohibition Unit for eight years and is fully familiar with the situation, I might be inclined to think so. If it were not for testimony from him as to the necessity in the city of Washington for such a law as this, it would be different. It is a practical question we have confronting us. The fear of searching the home is wholly theoretical, because in Montgomery County and Prince Georges County in Maryland and in territory adjacent to the District in Virginia, a search warrant for the home can be obtained for mere possession; but in the city of Washington a search warrant can be obtained for the home only in case evidence is obtained of a sale having been made in the private dwelling.

Mr. WALSH of Montana. But that is not the language of the bill. It says "used for any business purpose."

Mr. HOWELL. The Senator can explain it as he sees fit, but I am simply stating what is going on in Washington. There seems to be no other way to meet it. If there is another way, I would be glad to have it suggested, for I have no pride of authorship in the bill.

Mr. BORAH. Let us suppose a man has a home. Let us suppose he has liquor in his home. Let us suppose he has another place outside of his home and that the two are connected in such a way that he can carry on the business by telephone or otherwise and sending a man out or in, and so forth. Undoubtedly he could be reached under this clause because he is using his home for that purpose. It is a part of his transaction. It is a part of the business which he is carrying on. He could not carry it on without his home. It is an essential part of it. I can not imagine why a search warrant could not be obtained for that purpose if the illustration which the Senator used is an illustration which is troubling the situation here in the District of Columbia, because he would simply be using both places to accomplish one crime.

Mr. HOWELL. But the fact is that they are getting by with it.

Mr. BORAH. Oh, I do not doubt that! [Laughter.]

Mr. FESS. Mr. President, will the Senator yield to me for another question?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. HOWELL. Certainly.

Mr. FESS. I would like to have the opinion of the Senator from Idaho. Here is a home which for the moment is unoccupied. If it were used as a storehouse for liquor it could be very easily done without violation of the law because it is not a home. Suppose the man who is operating it wants to use that house as a warehouse for his liquor, the sale of which is made in another place. He rents this home or this storehouse to a tenant. Now it is a home. Are the goods stored in that place exempt under the fact that we invade a dwelling house without a proper warrant?

Mr. BORAH. I do not think it would be exempt under the bill as it would be left even with the Blaine amendment. In order to see if I understand the illustration which the Senator uses, the language of the bill is:

> No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor or unless such dwelling is in part used for some business purpose, such as a store, shop, saloon, restaurant—

And so forth.

Mr. FESS. That is the difficulty. It is used as a storehouse. The sale is made at another place, and the bill covers it only by sale. I am not particular at all about the matter, only it seems to me that when officers are criticized in the District as they have been for not enforcing the law and they point out the inefficiency of the law, we ought to correct it if it is possible. That is the illustration which has been given to me, I will say to the Senator from Idaho.

Mr. HOWELL. Mr. President, to give additional information as to the situation which exists I shall read further from the testimony given by Sergeant Little before the Committee on the District of Columbia when we were considering this bill:

> Sergeant LITTLE. The probable-cause situation. In order to stop an automobile, the courts have ruled in this jurisdiction, that even though you know the man to be a bootlegger you have not the right to stop him whenever you see him on the highway. There must be some suspicious circumstance surrounding the individual or the car that would cause you to reasonably believe this man was carrying liquor at this particular time. A man could put several bottles into his pocket. You can't see it, you can't smell it, and those kind of cases are thrown out of court, because you haven't probable cause.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HOWELL. I yield.

Mr. BORAH. I am not objecting to searching an automobile, however drastic the law may be made in that regard; that does not disturb me at all.

Mr. HOWELL. I did not attempt to cover the automobile situation in this bill. We thought if we could wipe out the

storage warehouses for liquor here in Washington we would have gained a great advantage. There is no question that if a private dwelling is used as a storage warehouse it is being used for business purposes, but it is impossible even to secure the raiding of a building where business is being conducted unless there is probable cause of some character. The only probable cause whereby a search warrant can be secured for a private dwelling is upon evidence of a sale on the premises.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. HOWELL. I yield.

Mr. GEORGE. May I ask the Senator just what he means by "sale on the premises"? That idea has been emphasized over and over again. Can there be any sale of liquor, within the meaning of any liquor law, without delivery of the liquor?

Mr. HOWELL. I beg pardon; I did not catch the question.

Mr. GEORGE. I ask can there be any sale of whisky under any prohibition law without the delivery of the whisky? The Senator keeps emphasizing "sale on the premises," and the Senator from Ohio did the same thing. Can there be any sale of whisky, within the meaning of the Volstead Act, without a delivery of it? If it has been stored in a dwelling house must there not be delivery in order to constitute sale?

Mr. HOWELL. Yes, that is true; but it is not sold in the dwelling house.

Mr. GEORGE. Now what does the Senator mean by "sold"? Does he mean the fixing of the terms of the contract or delivery of the whisky, or both?

Mr. HOWELL. The delivery of the whisky and the transfer of money.

Mr. GEORGE. If it is stored in the dwelling there must be a sale of it within the meaning of the Volstead Act, and there must be a delivery of that whisky from the dwelling house.

Mr. HOWELL. Yes; but there is no sale; there is only negotiation.

Mr. GEORGE. The Senator is playing with words; there is a sale in the dwelling house; that is, a part of the sale takes place in the dwelling house if the liquor is stored and kept there, and if it is actually sold and delivered to anybody from the house. The difficulty is not in the sale, but the difficulty is in securing officers to enforce the law; and we are about to do here just what has occurred time after time. When officers do not want to enforce the law and do not try to enforce the law they come back to the legislature to get more laws, more drastic than the laws already in existence, which they do not enforce.

Mr. HOWELL. It is not the officers with whom I have talked who are at fault; I am satisfied as to that; but I think there is undoubtedly great blame to be placed upon the courts.

Mr. GEORGE. What I wish to try to emphasize is this: The Senator keeps talking about a sale; he says there is no sale made on the premises; although the whisky is put into the house and kept there and must of necessity be delivered to somebody from the house, there is never any sale or possibility of proof of sale. The only sale under the Volstead Act or any other prohibition law for which one may be prosecuted and punished, indeed, the usual way to sell personal property, is by delivery, constructive or actual. There can not be a sale of whisky within the meaning of the law without a delivery. If it is stored in the house, then there is a sale on the premises, notwithstanding the fact that the officers do not see it, that they do not discover it, that they do not ascertain the facts; and they, like all other Americans, run to Congress for legislation to obtain more laws, which will not be any better enforced when they get them.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HOWELL. I yield.

Mr. BROOKHART. I want to ask the Senator from Georgia if there should not be the same provision in the law for searching a dwelling where liquor is unlawfully stored or in unlawful possession as where there is unlawful sale on the premises?

Mr. GEORGE. Mr. President, I shall vote against this provision of this bill without the slightest hesitation. I have gone just as far into the homes of the people as I expect to go in the company of police officers.

Mr. BROOKHART. Let me ask the Senator if, in his own State——

Mr. GEORGE. Let me ask the Senator this, Is the Senator proposing to amend the general search and seizure provisions of the Volstead Act, which are applicable to all the States of the Union, or is he merely proposing additional grounds within the District of Columbia upon which police officers may obtain a search warrant?

Mr. BROOKHART. This bill applies only to the District of Columbia.

Mr. GEORGE. Very well; make it applicable to the whole people.

Mr. BROOKHART. I am willing to do that, so far as I am concerned.

Mr. GEORGE. Very well.

Mr. BROOKHART. But in the Senator's own State a dwelling can be searched for unlawful possession.

Mr. GEORGE. Yes; a dwelling can be searched; but the law under which the search is made was passed by men who live in the State, who were elected by the people of the State. I know that no citizen of Washington has the right to vote upon my election to this body, and I would not dare put a law upon the citizen of Washington who has not the right to vote that I would not put upon the people of Iowa or of Georgia. I therefore asked whether it was proposed to amend the general provision of the Volstead Act, or whether it was merely proposed to add additional grounds upon which police officers and police magistrates in the city of Washington may obtain and issue search warrants; and I understand that the proposal is not general, but is confined to the District of Columbia.

Mr. HOWELL. Mr. President——

Mr. BROOKHART. Mr. President, if the Senator will yield further——

The PRESIDING OFFICER. The Senator from Nebraska has the floor. Does he yield further?

Mr. HOWELL. I yield to the Senator from Iowa.

Mr. BROOKHART. The Senator from Georgia is perfectly willing to give the people of his own State protection against the bootlegger by allowing search to be made of residences, not only because of sales in them but because of illegal possession or use or transportation or because of any other criminal act; but the Senator, as a guardian of the District of Columbia, then says: "I am not willing to give the people of the District that kind of protection." I think the Senator is off on the wrong track when he takes that position.

Mr. GEORGE. I have no doubt the Senator thinks so; but, with the permission of the Senator from Nebraska, while my State has a more drastic prohibition law than the law known as the Volstead Act, and while under the law of the State a search warrant may be issued for the search of a dwelling house if a crime is being committed therein, and under certain other circumstances enumerated in the statute, I want to say to the Senator that the prohibition cause has not been advanced by the searching of private dwelling houses.

I wish to say now that if the Congress does not exercise common sense and deal with this question free from outside influences as we deal with other questions, we will do more to destroy the prohibition law than all the enemies of the law. Two influences threaten the law—the extremist, the unreasonable man who believes sincerely in prohibition, and the temptation to resort to extra constitutional means for the enforcement of the law. Here is the serious danger to the law to-day, and it always has been a serious danger to it. There can not be a sale of whisky stored in a dwelling house unless the sale or a material element of the sale takes

place on the premises. Therefore the fault is not with the law; it is not due to the lack of law; it is simply due to the lack of diligence upon the part of officers in the District.

Mr. BROOKHART. How about possession with intent to sell where it might not be possible to prove the sale? But if the liquor is on the premises, with the intent to sell, that is unlawful in the Senator's State and in all the other States, I think.

Mr. BORAH and Mr. GEORGE addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Nebraska yield?

Mr. HOWELL. I will yield to the Senator from Iowa until he shall have concluded his remarks.

Mr. BROOKHART. For 40 years in my State, and in most of the dry States, the laws have contained provisions similar to this and we have searched dwellings. When a dwelling house becomes a bootlegging joint it is entitled to no more protection than any other bootlegging joint, whether there is a sale, an intent to sell, or unlawful transportation, storage, or whatever it may be.

Mr. GEORGE. That is true, Mr. President, I am not defending such things; but I am going to say to the Senator that the homes that will be searched under this law in the city of Washington will not be the homes of the powerful or the rich, but they will be the homes of the poor and the weak. If there is a bootleg joint in a dwelling there is a business carried on in that home, and, even under the Volstead Act, it is beyond all doubt subject to search.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HOWELL. I yield.

Mr. BORAH. Suppose we should amend this provision so as to read:

> No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale or storage for sale of intoxicating liquors.

Mr. FESS. That would cover it.

Mr. HOWELL. I should think that might meet the situation.

I should like to say a word to the Senator from Georgia. He speaks of the sale being consummated in the dwelling house, notwithstanding no one in the dwelling house knows anything about the sale, or knows the person or knows what is to be paid for the liquor. Let me give the Senator a concrete case. I have an automobile——

Mr. GEORGE. Just a minute. The Senator's theory is that nothing can be stolen unless a crowbar is used and the door is opened. If a sale of whisky is made, it does not make any difference whether the delivery is made by an innocent agent; it does not make any difference where the terms of sale were entered into, whether on the street, in a building, or outside of a building; the sale itself is made on the premises if the whisky is stored there and is delivered from the premises, because that is a necessary part of the sale. If there is any trouble about it, it is because of a lack of efficiency in the enforcement officers and of decency in the interpretation of the statute upon the part of the court officers of the District.

Mr. ASHURST. Mr. President——

Mr. HOWELL. Just a moment. If I had an automobile in a garage in Virginia, and I happened to meet a man on the street in Washington and we discussed the sale of that automobile, and if I telephoned my wife and told her to have the chauffeur bring the automobile to the city of Washington, and he should bring it here so that the man could look at it, and the automobile was sold, does the Senator mean to say that the sale was made in Virginia?

Mr. GEORGE. A search warrant is not needed to find a man selling liquor if the seller takes it on the street and exhibits it to the man who wants to buy so that the man who buys it has an opportunity to examine and look at it? We do not need any search warrant to go into the home. What we need is an officer; that is all; an ordinary, two-legged officer, with good sense and a disposition to enforce the law.

Mr. HOWELL. Theoretically that sounds well.

Mr. GEORGE. It is just common sense.

Mr. HOWELL. But the Senator knows very well that the thing that is going on here constantly is not being reached.

Take these great hotels: A bootlegger operating there receives the orders by telephone. His half-pint deliverer takes the liquor to the wash room or to other places in the hotel and delivers it.

Mr. GEORGE. Where does he get it?

Mr. HOWELL. There is no sale until the man arrives there with the liquor; and when he arrives there it is sold. Now, the Senator says that the officers ought to apprehend this man.

Mr. GEORGE. Where does he get the liquor to deliver it?

Mr. HOWELL. The bootlegger telephones his storage warehouse.

Mr. GEORGE. And gets it out of his storage warehouse?

Mr. HOWELL. He takes it out of his storage warehouse.

Mr. GEORGE. Is not that a part of the sale of that liquor?

Mr. HOWELL. The courts will not hold it so.

Mr. GEORGE. Oh, well, the trouble is with the courts then; that is all.

Mr. HOWELL. I desire to call the attention of the Senator from Georgia to the fact that his own State has one of the most drastic search-warrant provisions of any State of the United States.

Mr. GEORGE. I am reasonably familiar with the provisions of the law of my own State.

Mr. HOWELL. Is there great abuse in the Senator's State?

Mr. GEORGE. Great abuse of this law?

Mr. HOWELL. Yes.

Mr. GEORGE. No; there is no great abuse of this law in my State, enforced as it is by officers responsible to the people of the State.

Mr. HOWELL. Then what is the fear here? A more stringent law than this was in effect here for some time.

Mr. ASHURST. Mr. President, will the Senator yield at that point?

Mr. HOWELL. I yield.

Mr. ASHURST. The amendment proposed by the Senator from Idaho would make the law quite similar to the present law of the State of Georgia.

Mr. HOWELL. No; a search warrant can be obtained for mere possession in Georgia. It can be obtained for a sale. It can be obtained for manufacturing. The law covers the whole field in Georgia.

Mr. ASHURST. The Senator may be correct; but the bureau says, "For manufacture, sale, and possession."

Mr. HOWELL. Mr. President, I should be perfectly willing to accept such an amendment as suggested by the Senator from Idaho; but certainly this clause ought not to be wiped out of the bill entirely. We ought to have some way of reaching the bootlegger. There is no more profitable place for the operation of the bootlegger than here. He has particular opportunities here. We ought to reach him. Are we going to say, "In the Nation's Capital we do not propose to interfere with him. We propose that the bootlegger shall have free storage in this city without interference?" That is what we are going to do if we wipe out this clause in the bill.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

Mr. HOWELL. I yield.

Mr. SHORTRIDGE. The present Volstead Act applies to all the States of the Union and to the District of Columbia, does it not?

Mr. HOWELL. Yes, sir.

Mr. SHORTRIDGE. Is it the Senator's contention that the provision immediately under consideration is inadequate, is insufficient in form or substance to an effective carrying out of the law? Is that the Senator's position?

Mr. HOWELL. Possibly I have not quite caught the Senator's idea; but my position is that the Volstead Act was designed to supplement local police laws. In all the political subdivisions of continental United States, except five, they have local police laws; but one of these five is the District of Columbia, and the difficulties of the enforcement of prohibition are tremendously increased because we have no local police laws.

Mr. SHORTRIDGE. Take Nebraska, for example: Presumably the law is being enforced there under and by virtue of the provisions of the so-called Volstead Act, is it not?

Mr. HOWELL. Plus the local police laws in the State of Nebraska respecting liquor.

Mr. SHORTRIDGE. In getting a search warrant in Nebraska, upon what evidence or showing does a search warrant issue?

Mr. HOWELL. A search warrant issues in my State on evidence of manufacture and on evidence of sale.

Mr. SHORTRIDGE. Very well. Now, do I understand that the Senator holds that the present Volstead Act, if enforced according to its true intent and meaning, is ineffective in so far as the securing of a search warrant here in the District is concerned?

Mr. HOWELL. Yes; I do.

Mr. SHORTRIDGE. Wherefore, the Senator wants something added to the Volstead Act?

Mr. HOWELL. Not something added to the Volstead Act, but I want a local police regulation to be enacted. It will be a local law, enacted by Congress as the legislature of the District of Columbia.

Mr. SHORTRIDGE. And now, finally, upon what showing does the search warrant issue, according to the Senator's proposal?

Mr. HOWELL. The proposal is, a sale on the premises in a private dwelling.

Mr. SHORTRIDGE. Upon information and belief, or upon knowledge?

Mr. HOWELL. On probable cause; and the search warrant is issued as is provided under the general law of the United States.

Mr. SHORTRIDGE. Then could anyone make an affidavit on information and belief that in a given private residence there was liquor, and secure a search warrant?

Mr. HOWELL. Not unless the magistrate should deem the evidence afforded sufficient to justify it.

Mr. SHORTRIDGE. My question is, Would a search warrant issue on affidavit based wholly upon information and belief? Suppose some person, officer or private citizen, should make affidavit upon information and belief that in a given private dwelling house or home there was some violation of this law; would the officer be required to issue the search warrant?

Mr. HOWELL. He would be required to issue the search warrant under the following circumstances——

Mr. NORRIS. Mr. President, while my colleague is finding that, will he yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HOWELL. I do.

Mr. NORRIS. Perhaps I can add to the information my colleague has given to the Senator from California about what the State law in Nebraska provides. It may have been changed since I was familiar with it; but I was, I think, very familiar with it, both as a prosecuting officer and also afterward as a judge. I have tried a good many cases under the search-warrant provision.

The Senator asked my colleague what was necessary there. Unless the law has been changed since I was connected with its enforcement, the affidavit required for a search warrant, where they wanted to search a private dwelling, had to be made by a freeholder. That was the only difference, as I remember now.

Mr. SHORTRIDGE. But if made upon information and belief wholly, under the law of Nebraska or under this proposed law, is the judge required to issue the search warrant?

Mr. NORRIS. In the very nature of things, the affiant did not have to have personal knowledge of the sale in order to make the affidavit.

Mr. SHORTRIDGE. The Senator of course grasps exactly what I mean, then, when I speak of an affidavit on information and belief as distinguished from an affidavit based upon knowledge.

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. I am not expressing an opinion in regard to the matter, but rather I am inquiring as to just what this proposed section is and upon what showing may the search warrant properly issue?

Mr. HOWELL. Mr. President, the procedural requirements under which search warrants would issue under this bill are as set forth in chapter 30 of title 11, act of June 15, 1917, as contained in the United States Code, title 18, sections 613 to 631, inclusive. I read section 613:

> Probable cause and affidavit: A search warrant can not be issued but upon probable cause, supported by affidavit, naming or describing the person and particularly describing the property and the place to be searched. (June 15, 1917, c. 30, title 11, sec. 3, 40 Stat. 228.)
>
> 614. Examination of applicant and witnesses: The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them. (June 15, 1917, c. 30, title 11, sec. 4, 40 Stat. 228.)
>
> 615. Affidavits and depositions: The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist. (June 15, 1917, c. 30, title 11, sec. 5, 40 Stat. 228.)
>
> 616. Issue and contents of warrant: If the judge or commissioner is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a civil officer of the United States duly authorized to enforce or assist in enforcing any law thereof, or to a person so duly authorized by the President of the United States, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding him forthwith to search the person or place named, for the property specified, and to bring it before the judge or commissioner. (June 15, 1917, c. 30, title 11, sec. 6, 40 Stat. 229.)

Those are the conditions under which the search warrant will be issued.

Mr. TRAMMELL. Mr. President, I do not care so very much one way or the other in regard to this amendment or provision in the bill; but while listening to the discussion and the positions of those pro and con I have been wondering why the still or the apparatus for making liquor to be sold unlawfully is so sacred. There seems to be a sanctity thrown around the still and the apparatus for the purpose of unlawfully making liquor.

If the question involved only the matter of the right of search of a dwelling, and we are so solicitous in regard to a dwelling not being searched, why do we permit a search warrant to be issued under the circumstances set forth in the paragraph preceding this one?

I have not heard anyone here say that there should not be a right to search, under a search warrant, a dwelling being used for the unlawful sale of liquor. Nobody questions that. I believe as much in protection of the home as the castle as anyone believes in protecting it; but if we are going all the way in this defense of the right of the dwelling, the home as the castle, then why do we permit a search warrant to be issued at all?

It is said that a search warrant can be issued if the home is being used for the unlawful sale of liquor; but, for some reason, the cloak of sanctity is thrown around the still and the machine for the purpose of making liquor, and we say that if it is there they can not obtain a search warrant. Some would take that position and therefore would strike this provision from the law. Just as long as they want to use a still, an apparatus, for the unlawful making of liquor in the home, in the dwelling, there is a sanctity about it, because of which some would strike this provision from the law. This means nothing more nor less than furnishing the liquor maker a place to manufacture his goods under immunity under the law.

I think if a search warrant is to be authorized at all there is no reason why it should not be extended to the situation involved in the paragraph sought to be stricken from the bill. What is that paragraph some would strike from the bill? I am going to read the entire paragraph dealing with this question of the search warrant:

First. No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale of intoxicating liquor.

No Senator here has complained about that provision of the pending measure. There is no claim by anyone in this Chamber that this provision is repugnant to the sanctity of the home. But following that paragraph is this provision:

Or a still or distilling apparatus is unlawfully set up or being used therein, or intoxicating liquor is unlawfully delivered thereto for purpose of sale, or is unlawfully removed therefrom.

It is this provision that the amendment of the Senator [Mr. BLAINE] would strike from the bill.

My observation has been that it is very difficult to enforce the prohibition law. I think the difficulty of enforcement is the reason why it has been so much criticized. Even those officers who honestly desire to see the law enforced as it should be enforced experience difficulty in properly enforcing it.

A person who wants to violate the law will adopt all the tactics on the face of the earth to carry on his operations in violation of the law. It has been stated that right here in the District of Columbia we probably need enforcement instead of more law, and I do not know but that that is true. I have not read the court decisions referred to by several Senators, but I have read that some of the judges in the District of Columbia, probably all of them, have held that if an officer apprehends an automobile while he is in search of liquor, and finds a hundred gallons of contraband liquor in that automobile, the defendant is turned loose unless the officer can prove that he had reason to believe that there was liquor in that particular car. Under such ruling by the courts, doubtless many guilty bootleggers have been released, and the faithful officers who made the arrest discouraged by the action of the judges.

I expect that some of these judges who are in conspiracy, at least in sentiment—and I do not mean otherwise—with the bootlegging interests, regardless of how strong we may make the law, will find some way to encourage bootlegging by the decisions they render in the courts, just as in the case of an officer apprehending an automobile, unless the officer can prove by facts that he had good reason to believe the liquor was in the machine, the man would be released. That is a little overdrawing of the picture, but that is the substance of the decisions of at least some of the courts here in the District of Columbia if the newspapers have correctly stated their ruling.

I believe in the protection of the home against undue searches. I do not believe unwarranted searches should be permitted. We have heard a great deal about the question of violating the sanctity of the home since the liquor question has become involved. Formerly applied to other crimes, we did not hear anything of it. We do not hear anything of it now in regard to other offenses. Some property may be stolen, some goods may be stolen, and there is reason to believe that they are concealed in a certain dwelling house, and the officers get a search warrant. Sometimes they find the goods and sometimes they do not; but we hear nothing about it. People do not rise up in arms and say that the search is a violation of the sanctity of the home. But when it comes to the question of dealing with the traffic in intoxicants, there are some who are always so solicitous for the home that they are afraid its sanctity will be violated, that there may be a violation of the policy of the home being a man's castle. Some here, by their attitude, say that even though a man uses his home for running a still or using an unlawful apparatus for the purpose of making liquor, he is absolutely immune, and it is his refuge and a place where he may carry on his business unlawfully, and that an officer should be barred from securing a search warrant.

If he sells some liquor there, they can get a search warrant. If he has made any liquor and then sells some of it, an officer may, under this bill, obtain a search warrant. There is no effort by any Senator here to strike out that provision. But if a man is in possession of the apparatus necessary for the production of liquor and is operating that still at his dwelling, then some would protect the man against a search warrant and thereby make it that much easier for him to ply his trade unobstructed and uninterfered with by the law. To protect stills in the dwelling means the destruction of the home as the castle of the family and its conversion into the refuge of the bootleggers.

Mr. BORAH. Mr. President, I propose the following amendment: On page 5, in line 24, after the word "sale," to insert the words "or storage for sale."

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BARKLEY. I had the same thought in my mind, but I will ask the Senator, why would it not be also well to add "or manufacture for sale"? Would not those words cover the whole matter in dispute now?

Mr. BORAH. That amendment is all right.

Mr. BARKLEY. "Manufacture for sale, storage for sale, or sale."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Idaho will lie upon the table until the amendment proposed by the Senator from Wisconsin is disposed of, unless by unanimous consent we may now proceed to consider the amendment proposed by the Senator from Idaho.

Mr. BORAH. Would it not be proper to perfect the bill before the motion to strike out is voted on?

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin has priority, but by unanimous consent we may now proceed to consider the amendment proposed by the Senator from Idaho.

Mr. BORAH. I ask unanimous consent that we may consider the amendment which I have offered.

Mr. DILL. Mr. President, I want to be clear about what would be the result. If we amend the bill according to the Senator's proposal, then does the provision about securing a search warrant on terms now provided in the bill still remain in the bill?

Mr. BORAH. It is my purpose to vote to strike out the balance of it.

Mr. DILL. That is what I wanted to be clear about. I want to vote to strike out the language covered by the amendment of the Senator from Wisconsin. I am wondering whether that should be stricken out first and then the other amendment considered.

Mr. BORAH. Very well.

Mr. FESS. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. FESS. I am not sure where the amendment of the Senator from Idaho would come. Is it to be placed in the part proposed to be stricken out?

The PRESIDENT pro tempore. In view of the inquiry made by the Senator from Ohio, the clerk will state the amendment proposed by the Senator from Idaho, for the present consideration of which he has asked, in advance of a vote upon the amendment proposed by the Senator from Wisconsin.

Mr. BLAINE. Mr. President, I do not like to object to the request, but it seems to me that the better procedure is to pass upon the amendment I have submitted. If that carries, then those who desire to perfect the search-warrant provision will have full opportunity to do so.

The PRESIDENT pro tempore. The Chair has no question about the orderly procedure, which is to deal with the amendment proposed by the Senator from Wisconsin, which is pending and has been pending; but the Chair understood the Senator from Idaho to have asked unanimous consent——

Mr. BORAH. I withdraw the request.

The PRESIDENT pro tempore. Then the question continues upon agreement to the amendment proposed by the Senator from Wisconsin.

Mr. ASHURST. Let it be stated.

Mr. FESS. Mr. President, in view of the suggestion of some Senators that they wanted to be here before the vote was taken, I will have to suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Dill | Kean | Robinson, Ark. |
| Barkley | Fess | Kendrick | Sheppard |
| Bingham | Fletcher | Keyes | Shipstead |
| Black | Frazier | King | Shortridge |
| Blaine | George | La Follette | Smith |
| Blease | Gillett | McGill | Steiwer |
| Borah | Glass | McKellar | Stephens |
| Bratton | Glenn | McMaster | Swanson |
| Brock | Goff | McNary | Thomas, Idaho |
| Brookhart | Goldsborough | Metcalf | Thomas, Okla. |
| Broussard | Gould | Morrison | Townsend |
| Bulkley | Hale | Morrow | Trammell |
| Capper | Harris | Moses | Vandenberg |
| Caraway | Harrison | Norbeck | Walcott |
| Carey | Hastings | Norris | Walsh, Mass. |
| Connally | Hatfield | Nye | Walsh, Mont. |
| Copeland | Hawes | Oddie | Waterman |
| Couzens | Hayden | Partridge | Watson |
| Cutting | Heflin | Phipps | Wheeler |
| Dale | Howell | Pine | Williamson |
| Davis | Johnson | Pittman | |
| Deneen | Jones | Ransdell | |

Mr. WATSON. I wish to announce that my colleague the junior Senator from Indiana [Mr. ROBINSON] is detained by illness in his family.

The PRESIDENT pro tempore. Eighty-six Senators having answered to their names, a quorum is present.

Mr. TRAMMELL. Mr. President, in line with the suggestion made by the Senator from Idaho [Mr. BORAH], which I think a very splendid proposal, I offer an amendment to the amendment proposed by the Senator from Wisconsin [Mr. BLAINE]. His amendment proposes to strike out certain language, and I propose to amend it by adding, on page 5, in line 24, after the word "sale," the words "storage or manufacture," which would make that portion of the language read:

No search warrant shall issue to search any private dwelling occupied as such unless it is being used for the unlawful sale, storage, or manufacture of intoxicating liquor.

Mr. BROOKHART. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Iowa?

Mr. TRAMMELL. I yield.

Mr. BROOKHART. Would it not save confusion to let the amendment of the Senator from Wisconsin be disposed of and then let the Senator from Idaho [Mr. BORAH] or the Senator from Florida [Mr. TRAMMELL] offer the amendment to the bill? It seems to me that would avoid confusion.

Mr. TRAMMELL. That is satisfactory to me.

The PRESIDENT pro tempore. The Chair is really of the opinion that the amendment of the Senator from Florida to the amendment of the Senator from Wisconsin in the form proposed by the Senator from Florida is not in order at this time.

Mr. HAWES. Mr. President, while it is true that the Congress of the United States acts in a way as legislative counsel to the District of Columbia, this measure, it seems to me, is of nation-wide importance. It establishes a precedent. Just as physicians on occasions carry on their experiments with guinea pigs or, as we frequently say, "first try it on the dog," so these experiments, unhappily for the city of Washington, are tried here at a place where the citizens have no opportunity to express their local opinion on the subject.

Washington is a great metropolitan city. In addition to being the Capital of the Nation it is one of our great cities. It does not seem to me to be fair that this particular legislation should be imposed at this time without more careful thought and consideration. We have all read in the papers that the Attorney General, the chief law-enforcement officer of the United States Government, is opposed to that portion of the bill which proposes an invasion of the home.

A commission appointed by the President, for which Congress has appropriated $500,000, has also opposed any further extension of the power of the Government to enter the home. At the conclusion of my remarks I shall move that the whole subject matter covered by the bill be referred to the Committee on the Judiciary for further investigation and report. The Judiciary Committee for a time had the bill before it and it was later referred to the Committee on the District of Columbia, but after all, the fundamental difference of opinion, the real subject which we are discussing, is an old legal subject. It is a matter upon which lawyers should speak first. We are about to "try it on the dog," so to speak, to try an entirely new theory of government extending the power of the police further than it has ever been extended before, setting aside tradition of the States and of the Nation, and certainly a little time spent by our great Judiciary Committee, composed of lawyers who have studied these questions carefully, will not entail much loss of time. As a matter of fact, it may conserve the time of the Senate by stopping some debate here.

Mr. President, I have prepared an analysis of the statements of the various members of the President's commission. In order to economize the time of the Senate I ask permission to place this analysis in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

DIGEST OF THE IMPORTANT FEATURES OF THE REPORT OF THE NATIONAL COMMISSION ON LAW OBSERVANCE AND LAW ENFORCEMENT, DATED JANUARY 7, 1931

(P. 1 commission report, p. 1 reprint)

* * * It is impossible to divorce the problem of enforcement from that of enforceability.

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(P. 5 commission report, p. 3 reprint)

It (prohibition) remains one of acrimonious debate, with the most zealous adherents of the latest solution compelled to admit grave difficulties and serious resulting abuses.

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(P. 6 commission report, p. 4 reprint)

Settled habits and social customs do not yield readily to legislative flats.

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(P. 13 commission report, p. 7 reprint)

It is significant that almost all the bodies at the present time seeking the repeal of the eighteenth amendment concede that under no circumstances should the licensed saloon be restored. Admittedly the great achievement of the eighteenth amendment has been the abolition of the saloon.

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(P. 18 commission report, p. 10 reprint)

The amendment and the national prohibition act inaugurated one of the most extensive and sweeping efforts to change the social habits of an entire nation recorded in history. It would naturally have been assumed that the enforcement of such a novel and sweeping reform in a democracy would have been undertaken cautiously, with a carefully selected and specially trained force adequately organized and compensated, aided by efforts to arouse public sympathy and aid. No opportunity for such a course was allowed.

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(P. 19 commission report, p. 11 reprint)

Considerable public sentiment was, however, antagonized by the legislative fixing of the permissible content of alcohol at a percentage substantially below the possibility of intoxication.

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NO HELP FROM DRY ORGANIZATIONS

(The commission quotes, pages 19 and 20 of its report, pages 11 and 12, congressional reprint, the statement of the Commissioner of Internal Revenue upon his undertaking to enforce the prohibition law in 1920, in which he said he expected the unreserved cooperation of the moral prohibition agencies, such as churches, civic organizations, educational, charitable, and philanthropic societies. This expectation naturally included all the professional dry organizations.

The commission reported that such aid was not given. The commission adds:)

"The proponents of the law paid no heed to the admonition that 'no law can be effectively enforced except with the assistance and cooperation of the law-abiding element.' On the contrary, the passage of the act and its enforcement were urged with a spirit of intolerant zeal that awakened an equally intolerant opposition and the difficulties now being experienced in rallying public sentiment in support of the eighteenth amendment result largely from that spirit of intolerance."

CORRUPTION INVITED

(P. 23 commission report, p. 13 reprint)

The enforcement agents, inspectors, and attorneys, as was authorized in section 28 of the national prohibition act, were appointed without regard to civil-service rules. A force so constituted presented a situation conducive to bribery and official indifference to enforcement. It is common knowledge that large amounts of liquor were imported into the country or manufactured and sold, despite the law, with the connivance of agents of the law.

(NOTE.—The commission did not mention the fact that the Anti-Saloon League wrote the prohibition law and deliberately left out a provision for civil service for prohibition agents. The commission also overlooked the fact that the first and second Prohibition Enforcement Commissioners were appointed under the dictation of the league, and that the league boasted that it ran the Prohibition Bureau during the administrations of John F. Kramer and Roy A. Haynes. For proof of Anti-Saloon League's dictation of Haynes's appointment see page 4559, volume 10, lobby committee reports—Wayne B. Wheeler's report to executive committee of the Anti-Saloon League. For proof that Wheeler ran Prohibition Bureau see first paragraph Justin Steuart's biography of Wheeler.)

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MORE CORRUPTION

(Pp. 30, 31, commission report, p. 17 reprint)

From statements furnished it appears that from the beginning of prohibition to June 30, 1930, there were 17,972 appointments to the Prohibition Service and 11,983 separations from the service without prejudice and 1,605 dismissals for cause. * * * the grounds for these dismissals for cause include bribery, extortion, theft, violations of the national prohibition act, falsification of records, conspiracy, forgery, perjury, and other causes which constitute a stigma upon the record of the employee. * * * These figures do not, of course, represent the total delinquencies of the character named which actually occurred. They only show those which are actually discovered and admitted or proved to such an extent as to justify dismissal. What proportion of the total they really represent is impossible to say. Bribery and similar offenses are from their very nature extremely difficult of discovery and proof.

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COOPERATION OF COAST GUARD, CUSTOMS, AND PROHIBITION ENFORCEMENT DEPARTMENT

(P. 34 commission report, p. 19 reprint)

Cooperation between all the forces above referred to would have been difficult at best. Each of the forces other than prohibition has duties to perform of a different nature than seizing liquor or apprehending smugglers of intoxicants. Effective cooperation is only possible where there is mutual respect and confidence. The older services had no such feelings for the newer.

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CONSTITUTIONAL CONTROL OF PERSONAL HABITS

(P. 35 commission report, p. 20 reprint)

The eighteenth amendment represents the first effort in our history to extend directly by constitutional provision the police control of the Federal Government to personal habits and conduct of the individual. It was an experiment, the extent and difficulty of which was probably not appreciated. The Government was without organization for or experience in the enforcement of a law of this character.

PRESENT CONDITION AS TO OBSERVANCE AND ENFORCEMENT

(Pp. 36, 37, 38 commission report, pp. 21, 22 reprint)

There is a mass of information before us as to a general prevalence of drinking in homes, in clubs, and in hotels; of drinking parties given and attended by persons of high standing and respectability; of drinking by tourists at winter and summer resorts; and of drinking in connection with public dinners and at conventions. In the nature of the case it is not easy to get at the exact facts in such a connection, and conditions differ somewhat in different parts of the country, and even to some extent from year to year. This is true likewise with respect to drinking by women and drinking by youth, as to which also there is a great mass of evidence.

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As to drinking among youth, the evidence is conflicting. Votes in colleges show an attitude of hostility to or contempt for the law on the part of those who are not unlikely to be leaders in the next generation. It is safe to say that a significant change has taken place in the social attitude toward drinking. This may be seen in the views and conduct of social leaders, business and professional men in the average community. It may be seen in the tolerance of conduct at social gatherings which would not have been possible a generation ago. It is reflected in a different way of regarding drunken youth, in a change in the class of excessive drinkers, and in the increased use of distilled liquor in places and connections where formerly it was banned. It is evident that, taking the country as a whole, people of wealth, business men, and professional men, and their families, and, perhaps, the higher-paid workingmen and their families, are drinking in large numbers in quite frank disregard of the declared policy of the national prohibition act.

The evidence as to Keely cures, as to arrests for drunkenness, and the type of persons found drunk in public, as to deaths from causes attributable to alcohol, as to alcoholic insanity, as to hospital admissions for alcoholism, as to the change in the type of person treated for alcoholism, and as to drunken driving, while in each case subject to much criticism and raising many doubts, yet all seem to point in the same direction.

The Census Bureau figures for the year 1929 indicate a decline in the rate of deaths from alcoholism, and the figures on all the points referred to are still substantially below the preprohibition figures. Upon the whole, however, they indicate that after a brief period in the first years of the amendment there has been a steady increase in drinking.

To the serious effects of this attitude of disregard of the declared policy of the national prohibition act must be added the bad effect on children and employees of what they see constantly in the conduct of otherwise law-abiding persons. Such things and the effect on youth of the making of liquor in homes in disregard of the policy if not of the express provisions of the law, the effect on the families of workers of selling in homes which obtains in many localities, and the effect on working people of the conspicuous newly acquired wealth of their neighbors who have engaged in bootlegging are disquieting. This widespread and scarcely or not at all concealed contempt for the policy of the national prohibition act, and the effects of that contempt, must be weighed against the advantage of diminution (apparently lessening) of the amount in circulation.

HOME-BREWING AND WINE MAKING

(Pp. 56, 57, 58 commission report, pp. 32, 33 reprint)

*Production in homes*

Home production of liquor takes three forms; home-brewing of beer, home wine making, and home distilling.

At one time there was an increasing amount of home-brewing of beer among the average city dwellers, made possible by the production and sale of malt sirup. The beer had a high alcoholic content, for a light beer can be made only by top fermentation, which is not practicable in homes or in small-quantity production. To-day there seems to be less of this than formerly because of the inconvenience, the poor quality of the product, and the low cost of procuring whisky. But the recent increased demand for beer in some sections has led to the development of home-brewing by people of lesser means not solely for home use but also for sale. The line between this and alley brewing is easily crossed. One may make for himself and a neighbor or neighbors, and another for neighbors and for sale. This type of brewing is hard to get at.

Home wine making involves an anomalous provision of the national prohibition act. The last clause of section 29 of title 2 reads: "The penalties provided in this act shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar." For the general purposes of the act, intoxicating liquor is defined by section 1 as containing one-half of 1 per cent or more of alcohol by volume. In view of section 3, enacting that all the provisions of the act shall be liberally construed to the end that the use of intoxicating liquor as a beverage shall be prevented, it might be held that nonintoxicating in section 29 means nonintoxicating as defined in section 1. Federal courts in some districts have so construed the act. Other Federal courts consider section 29 independent of section 1 on the ground that if the definition in section 1 extends to the provision in question, section 29 would be rendered unnecessary. This view has been taken by one of the circuit courts of appeals. The Government appears to have acquiesced in that construction of the act by refraining from seeking a final interpretation by the Supreme Court of the United States. As the matter stands, then, when wine is produced in the home for home use, whether or not the product is intoxicating is a question of fact to be decided by the jury in each case. If this view stands, it becomes impracticable to interfere with home wine making, and it appears to be the policy of the Government not to interfere with it. Indeed, the Government has gone further. Prepared materials for the purpose of easy home wine making are now manufactured on a large scale with Federal aid. Much of homemade wine gets into circulation. The possibilities of leakage, when there is pressure on other sources of supply, are always considerable. Moreover, it would seem that section 29, as its construction is now acquiesced in, is a serious infringement of the policy of section 3.

Home distilling has gone on from the inception of prohibition, and in some localities has at one time or another reached large proportions. Few things are more easily made than alcohol. A home-made apparatus will suffice, and with the variety of materials available and the ease of procuring those materials, anyone may carry on home distilling on a small scale. The product is of poor quality, but it is cheap. The line between distilling in the home for home use, distilling for neighbors, distilling in part for neighbors and in part for sale, and distilling for bootleggers is not definite and is easily overpassed. Also the fact that much home production of liquor goes on everywhere facilitates use of what appear to be dwellings as cloaks for illicit manufacture.

But there is more to be considered than the difficulties of detection without invasions of homes and violations of constitutional guaranties. The bad effects of such operations, on the

verge of or in violation of law, carried on in the home, are self-evident. Adults living in such an atmosphere of evasion of law and lawbreaking and children brought up in it are an obstruction to the present enforcement of the law and a serious threat to law and order in the future.

The difficulties presented by home production differ from those arising in other phases of the general situation in that they involve the arousing of resentment through invasion of the home and interference with home life.

Necessity seems to compel the virtual abandonment of efforts for effective enforcement at this point, but it must be recognized that this is done at the price of nullification to that extent. Law here bows to actualities.

PROHIBITION AND THE DOCTORS

(Pp. 61, 62, commission report, pp. 34, 35 reprint)

(The commission found there has been great resentment on the part of physicians on account of the severe restrictions of the national prohibition law. With respect to the limitation placed on physicians in the matter of issuing prescriptions for liquor for patients, the commission said:)

"This requirement runs counter to fundamental conceptions of professional ethics.

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"Naturally, the medical profession resents the proposition that a lay legislative body may tell physicians what to prescribe and how much."

(The commission recommended abolition of statutory fixing of the amount which may be prescribed and the number of prescriptions, abolition of the requirement specifying the ailment for which liquor is prescribed, and enactment of uniform State laws with respect to liquor prescriptions.)

BOOTLEGGING, BOOTLEGGERS, CONSPIRACIES

(Pp. 64, 65, 66, 67 commission report, pp. 36, 37 reprint)

Bootlegging had gone on for at least a generation before the national prohibition act, on reservations where the sale of liquor was prohibited, in communities which had taken advantage of local option, and in States which had adopted prohibition. But that bootlegging stands to the bootlegging of to-day where the preprohibition moonshining stands to the illicit production of to-day. It is common knowledge, and a general cause of dissatisfaction with enforcement of the national prohibition act, that the big operators or headmen in the traffic are rarely caught.

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When conspiracies are discovered from time to time they disclose combinations of illicit distributors, illicit producers, local politicians, corrupt police, and other enforcement agencies making lavish payments for protection and conducting an elaborate system of individual producers and distributors. How extensive such systems may be is illustrated by some of the conspiracies recently unearthed in which 219 in one case, 156 in another, and 102 in another were indicted and prosecuted. Organized distribution has outstripped organized enforcement.

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Speak-easies, blind pigs, and blind tigers existed also before national prohibition wherever local option or state-wide prohibition or State liquor laws, unacceptable to a local population, gave an opening. But these also were quite different things from the speak-easy in the city of to-day. At the present time the term "speak-easy" covers a wide range from something not much different from the old-time saloon, and the speak-easies with a high grade of regular patronage at one pole to the lowest grade of joint selling bad whisky or bad gin at the other. They are sometimes hardly disguised and obviously operating under official protection. At other times and in other places they are thinly disguised or thoroughly camouflaged, according to local conditions of enforcement, as cafés, soft-drink stands, pool rooms, clubs, drug stores, or filling stations. The number closed each year by prosecution or injunction is large. But the number does not decrease on that account.

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The number of these places notoriously existing throughout the country, with public tolerance, demonstrates the extent to which experience and organization have carried retail distribution.

* * * The saloon was not an unlawful institution. Where it was not carried on in defiance of law its patrons were not assisting in maintaining an unlawful enterprise. Against the gain in eliminating the saloon must be weighed the demoralizing effect of the régime of more or less protected speak-easies upon regard for law and upon law and order generally. Unless the number of speak-easies can be substantially and permanently diminished enforcement can not be held satisfactory.

ILLICIT DISTILLING

(Pp. 50, 51, 52 commission report, pp. 19, 20, 21 reprint)

After prohibition this practice got a great impetus. For a time illicit distilling went on in the old way. There were simply more of the well-known type of small producers. But presently it spread to all parts of the land and reached a high degree of development, not only in the region where moonshining had always gone on but also in and about the large cities and in remote districts everywhere. In 1913 the Commissioner of Internal Revenue reported the seizure of 2,375 stills, said to indicate a "slight abatement" of the practice. In 1929, in one State alone, the State seized more than this number and the Federal Government half as many more. For the whole country, the Federal seizures of stills were six times as many as in 1913, and the total of State and Federal seizures was well over twelve times as many. Just as the steadily growing market for industrial alcohol led to improved methods and use of new raw materials admitting of greater speed and quantity of production in legitimate distilling, so the growing demand for distilled liquor after the national prohibition act led to discovery of new and improved apparatus, new methods and new materials for illicit production. In particular, it has led to discovery of new methods of speedy aging whereby liquor of good quality may be made in a very short time. The methods of the preprohibition moonshiner are as obsolete as those of the preprohibition legitimate distiller.

With the discovery and perfection of these new methods, illicit distilling has become for the time being the chief source of supply. In place of the small still operated by the individual moonshiner, there are plants of a capacity fairly comparable to the old-time lawful distillery and all gradations, according to conditions of the locality, between these and the individually operated still turning out but a few gallons. These plants, often elaborately guarded against discovery, if operated but a short time pay for themselves and begin to make large profits. When destroyed they are promptly replaced. The business of maintaining and operating them is well organized, has found how to shift locations systematically, and has learned to calculate for seizures and destruction of stills as part of the overhead. The employees are assured of counsel in case of prosecution. If convicted, their fines are paid for them. If imprisoned, their families are cared for and they are reemployed on release. As it was put by one observer, there is a "revolving personnel" of experienced operators. Even where Federal and State authorities join in a zealous campaign of enforcement, they have been unable to keep up with the setting up and operation of these unlawful plants. The number of seizures, Federal and State, great as it has become, appears to leave the total in operation at the end of any period at least no less than before. The enormous and increasing number of seizures of apparatus and material indicates, not necessarily more rigid enforcement, but quite as much increased production.

In consequence of the high development of illicit distilling, a steady volume of whisky, much of it of good quality, is put in circulation; and the prices at which it is obtainable are a convincing testimony to the ineffectiveness of enforcement as against this source of supply. The improved methods, the perfection of organization, the ease of production, the cheapness and easy accessibility of materials, the abundance of localities where such plants can be operated with a minimum risk of discovery, the ease with which they may be concealed, and the huge profits involved, have enabled this business to become established to an extent which makes it very difficult to put to an end.

WHO'S DRINKING AND HOW

(P. 69 commission report, p. 39 reprint)

Not the least demoralizing feature of enforcement of national prohibition, is the development of open or hardly disguised drinking winked at by those in charge in respectable places where respectable people gather. People of wealth, professional and business men, public officials, and tourists are drinking in hotels, cafés, and tourist camps under circumstances where at least knowledge on the part of those in charge that the liquor comes in unlawfully is an inescapable inference. Sometimes this becomes so flagrant that for a time pressure is brought to stop or to limit it. But on the whole it goes on throughout the country in spite of the rulings that furnishing the accessories for drinking with knowledge of how they are to be used is an offense. The pressure from patrons, the state of public opinion, and the difficulty of obtaining proof make it almost impossible to reach these things.

EVIDENCE OF PRICES

A fair index of the effectiveness of enforcement is furnished by the prices at which liquor may be had in different localities. As to this, there is significantly uniform evidence that while certain kinds of imported wines command high prices and now and then the pressure of enforcement raises all prices for a time at some one spot, whisky of good quality is obtainable substantially everywhere at prices not extravagant for persons of means. It is true many can not afford these prices and for them a large amount of cheap, poor grade, or even poisonous liquor is constantly produced and is in general circulation. The conclusion is that enforcement is not reaching the sources of production and distribution so as materially to affect the supply.

STATES DO NOT COOPERATE WITH FEDERAL GOVERNMENT

(Pp. 70, 71, commission report, pp. 39, 40 reprint)

At the time of the adoption of the eighteenth amendment 35 States had adopted prohibition by law or constitution; after the eighteenth amendment, 12 other States enacted prohibition laws, and 18 added to or amended their laws generally to correspond with the national prohibition act. In many of the first class of States the laws were quite generally enforced before national prohibition. In those States fair cooperation with the Federal prohibition forces at first was given, but there has been in recent years a growing tendency, even in States with prohibition laws, to let the Federal Government carry the burden of enforcement. On May 31, 1923, the New York Legislature repealed its prohibition act. In the same year Nevada repealed its statute and enacted the California prohibition law in its stead. This act was held un-

constitutional by the supreme court of the State for a defect in its title. No new statute has been enacted, and in 1926 the people of the State voted for repeal of the eighteenth amendment. Montana repealed its prohibition law in 1926; Wisconsin its law in 1929; and Massachusetts its law by referendum in 1930. In 1930 the people in Illinois and Rhode Island voted for repeal of their State laws. Such action, of course, seriously affects the attitude of the local authorities in those States respecting the apprehension of violators of the national law.

NOTE.—The commission did not report the result of the important Illinois referendum on the three following propositions:

Shall the eighteenth amendment be repealed? Yes, 1,054,432; no, 551,741.

Shall the Volstead Act be repealed? Yes, 968,652; no, 506,973.

Shall the Illinois enforcement act be repealed? Yes, 1,060,004; no. 523,130.

ENFORCEMENT IN VIRGINIA AND KANSAS

Virginia has been a zealous prohibition State since 1914. There is not only a stringent State law reinforcing the Federal law, but also a special State enforcing machinery for which considerable appropriations have been made annually. The testimony is uniform that the Federal administrator has been more than ordinarily efficient and determined. The State officers likewise have been under exceptional pressure to do their whole duty. They state that the State machinery of enforcement is as efficient as it can be made within the practicable limits of expenditure. It works in entire harmony with the Federal agencies. The number of convictions under the State law is impressive, and of seizures thereunder no less so. Yet the number of arrests for drunkenness in Richmond has been growing steadily and has increased by more than one-third in five years. Also, the testimony shows that the amount of liquor in circulation has grown steadily. Prices tell the same story. It can not be said that there is a reasonably effective enforcement in Richmond, and the evidence as to Norfolk and Roanoke is to the same effect.

Another good example of the first type is Kansas. Kansas has had State prohibition for over 50 years. The preponderant sentiment is unquestionably for strict enforcement of the law. There is a drastic State statute, going much beyond the national prohibition act. In 1929 a State appropriation was made providing a fund for appointment of special attorneys to enforce prohibition. In March, 1930, a prohibition survey of Kansas was made by direction of the United States Commissioner of Prohibition. A map contained in that survey setting forth the situation county by county marks enforcement as "bad" or at most "fair" in the counties containing the chief cities of the State, as "bad" in the mining regions, and as "fairly normal" in the remainder of the State, consisting of 101 out of 105 counties. It discloses three east-and-west and four north-and-south through highways giving trouble. It marks enforcement in the chief city of the State as "fair" because there is no evidence of "big open saloons," but admits there is "considerable evidence of liquor traffic" and that "bootlegging is persistent." In the second largest city enforcement is frankly pronounced "bad." It is significant that the death rate in Kansas from alcoholism and causes attributable to alcohol, which had fallen to a very low level between 1917 and 1920, has risen to the level of 1917.

STATES WITHOUT ENFORCEMENT ACTS

(P. 76 commission report, p. 42 reprint)

As to States of the fourth type which did not have prohibition before the eighteenth amendment, * * * for the most part the whole burden is put upon the Federal Government. In this fourth group are some of the most important States in the Union. As to them it is obvious that there is not effective enforcement of prohibition.

NOTE.—In this class of States are New York, Massachusetts, Maryland, Wisconsin, Montana, and Nevada. Illinois, in accordance with the expressed wishes of its people at the November election, is proceeding with legislation to repeal the State enforcement law.

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EFFECT OF PUBLIC SENTIMENT ON ENFORCEMENT

(Pp. 76, 77 commission report, p. 43 reprint)

In certain localities where there is a large tourist business enforcement fails because of the insistence of business men and property owners that tourists be given a free hand. In such places there is not merely no State enforcement and no State cooperation, but all attempts at enforcement are substantially precluded by public opinion.

It is true that the chief centers of nonenforcement or ineffective enforcement are the cities. But since 1920 the United States has been preponderantly urban. A failure of enforcement in the cities is a failure in the major part of the land in population and influence. Enforcement is at its best in the rural communities in those States where there was already long-established State prohibition before the national prohibition act.

Cooperation by State authorities largely depends upon public sentiment in their communities.

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It is apparent that without genuine cooperation by the State police authorities the Federal forces are wholly inadequate thoroughly to enforce the law against speak-easies, bootleggers, and small distillers. The internal policing of States necessary to the proper enforcement of such a law as this can only be accomplished with the active cooperation of the local police force and can best be enforced by the local agencies alone when they are free from corrupt political influences.

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EXTENSIVE RAMIFICATIONS OF CORRUPTION

(P. 78 commission report, p. 44 reprint)

As to corruption, it is sufficient to refer to the reported decisions of the courts during the past decade in all parts of the country, which reveal a succession of prosecutions for conspiracies, sometimes involving the police, prosecuting, and administrative organizations of whole communities; to the flagrant corruption disclosed in connection with diversions of industrial alcohol and unlawful production of beer; to the record of Federal prohibition administration, as to which cases of corruption have been continuous and corruption has appeared in services which in the past had been above suspicion; to the records of State police organizations; to the revelations as to police corruption in every type of municipality, large and small, throughout the decade; to the conditions as to prosecution revealed in surveys of criminal justice in many parts of the land; to the evidence of connection between corrupt local politics and gangs and the organized unlawful liquor traffic, and of systematic collection of tribute from that traffic for corrupt political purposes. There have been other eras of corruption. Indeed, such eras are likely to follow wars. Also there was much corruption in connection with the regulation of the liquor traffic before prohibition. But the present régime of corruption in connection with the liquor traffic is operating in a new and larger field and is more extensive.

ADOPTED DURING WAR EMOTIONALISM

(P. 80 commission report)

The eighteenth amendment was submitted and ratified during a great war. The national prohibition act was passed immediately thereafter. During a period of war the people readily yield questions of personal right to the strengthening of government and the increase of its powers. These periods are always characterized by a certain amount of emotionalism. This was especially true of the World War. These enlargements of governmental power at the expense of individual right are always followed by reactions against the abuses of that power which inevitably occur. * * *

The ratification of the amendment was given by legislatures which were not in general elected with reference to this subject. In many instances, as a result of old systems of apportionment, these legislative bodies were not regarded as truly representative of all elements of the community. When ratification took place a considerable portion of the population were away in active military or other service.

SOME THINGS HURTING ENFORCEMENT

(Pp. 81, 82 commission report, p. 46 reprint)

A fourth cause which had serious incidental effect was the attempt to enforce the national prohibition act as something on another plane from the law generally; an assumption that it was of paramount importance and that constitutional guarantees and legal limitations on agencies of law enforcement and on administration must yield to the exigencies or convenience of enforcing it.

Some advocates of the law have constantly urged, and are still urging, disregard or abrogation of the guarantees of liberty and sanctity of the home which had been deemed fundamental in our policy.

In some States concurrent State enforcement made an especially bad start with respect to searches and seizures, under-cover men, spies and informers; and by the public at large the distinction between Federal and State enforcement officers was not easily made. Moreover, the Federal field force as it was at first, was largely unfit by training, experience, or character to deal with so delicate a subject. High-handed methods, shootings, and killings, even where justified, alienated thoughtful citizens, believers in law and order. Unfortunate public expressions by advocates of the law, approving killings and promiscuous shootings and lawless raids and seizures, and deprecating the constitutional guarantees involved, aggravated this effect. Pressure for lawless enforcement, encouragement of bad methods and agencies of obtaining evidence, and crude methods of investigation and seizure on the part of incompetent or badly chosen agents started a current of adverse public opinion in many parts of the land.

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For some time overzealous organizations, supporting the law, brought pressure to bear with respect to personnel and methods and even legislation which had unfortunate results. Only in the last few years has enforcement been reasonably emancipated from political interference.

A GOVERNMENT OF PUBLIC OPINION

(Pp. 86, 87 commission report, p. 48 reprint)

From the beginning ours has been a Government of public opinion. We expect legislation to conform to public opinion, not public opinion to yield to legislation. Whether public opinion at a given time and on a given subject is right or wrong is not a question which, according to American ideas, may be settled by the words, "be it enacted." Hence it is futile to argue what public opinion throughout the land among all classes of the community ought to be in view of the eighteenth amendment and the achieved benefits of national prohibition. So long as State cooperation is required to make the amendment and the statute enforcing it effectual, adverse public opinion in some States and

lukewarm public opinion with strong, hostile elements in other States are obstinate facts which can not be coerced by any measures of enforcement tolerable under our policy. It is therefore a serious impairment of the legal order to have a national law upon the books theoretically governing the whole land and announcing a policy for the whole land which public opinion in many important centers will not enforce and in many others will not suffer to be enforced effectively. The injury to our legal and political institutions from such a situation must be weighed against the gains achieved by national prohibition. Means should be found of conserving the gains while adapting, or making it possible to adapt, legislation under the amendment to conditions and views of particular States.

DIFFERENCE BETWEEN TEMPERANCE AND PROHIBITION

(P. 89 commission report, p. 50 reprint)

There are obvious differences, both as to individual psychology and legal principle, between temperance and prohibition. Temperance assumes a moderate use of alcoholic beverages but seeks to prevent excess.

INVASION OF PRIVATE RIGHTS AROUSED OPPOSITION

(P. 91 commission report, p. 51 reprint)

Of course, there had been at all times a very substantial portion of the normally law-abiding people who had actively opposed the eighteenth amendment on principle. Many of these accepted and observed the law when once it was passed. When it became apparent that the results expected were not being realized, when the effects of the operations of the law and of the methods of enforcement which they deemed invasions of private rights became manifest, their opposition became aroused. This opposition was now, for reasons stated above, largely increased from the ranks of those who had formerly supported the law to get rid of the saloons, but felt that it went too far—who really favored the principle of temperance but did not favor prohibition. The cumulative result of these conditions was that from its inception to the present time the law has been to a constantly increasing degree deprived of that support in public opinion which was and is essential for its general observance or effective enforcement.

PROFITS OF LAW VIOLATION FINANCE CRIME

Another type of difficulties are economic. Something has been said already of those involved in ease of production. The constant cheapening and simplification of production of alcohol and of alcoholic drinks, the improvement in quality of what may be made by illicit means, the diffusion of knowledge as to how to produce liquor and the perfection of organization of unlawful manufacture and distribution have developed faster than the means of enforcement. But of even more significance is the margin of profit in smuggling liquor, in diversion of industrial alcohol, and in illicit distilling and brewing, in bootlegging, and in the manufacture and sale of products of which the bulk goes into illicit or doubtfully lawful making of liquor. This profit makes possible systematic and organized violation of the national prohibition act on a large scale and offers rewards on a par with the most important legitimate industries. It makes lavish expenditure in corruption possible. It puts heavy temptation in the way of everyone engaged in enforcement or administration of the law. It affords a financial basis for organized crime.

STATES DISLIKE FEDERAL AGENCIES

(P. 95 commission report, p. 53 reprint)

We have a long tradition of independence of administrative officials and systematic decentralizing of administration. In consequence disinclination to cooperate has pervaded our whole polity, local, State, and Federal; and for historical reasons since the Civil War there has been more or less latent or even open suspicion and jealousy of Federal administrative agencies on the part of many of the States. Concurrent State and Federal prohibition has shown us nothing new. * * *

Too frequently there has been a feeling, even in States which had prohibition laws before the national prohibition act, that enforcement of prohibition was now a Federal concern, with which the State need no longer trouble itself. Thus there has often been apathy or inaction on the part of State agencies, even where local sentiment was strong for the law.

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It now seems to be the policy of the Federal Government to make on its own motion a partition of the field, leaving all but interstate combinations and commercial manufacture to the States. This relinquishing of much of the field of concurrent jurisdiction, to be taken on by the States as they see fit or not, is a departure from the program of the eighteenth amendment.

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BEST CITIZENS EVERYWHERE HOSTILE OR LUKEWARM TO PROHIBITION LAW

(Pp. 97, 98, 99 commission report, pp. 54, 55 reprint)

Under the head of psychological difficulties the commission discusses many policies of enforcement that have aroused the resentment of the people and influence many of the best people everywhere to regard the prohibition law with hostility. Among the causes listed for this resentment are statutory definition of intoxicating liquor at one-half of 1 per cent of alcohol; the discrimination which permits the rich to drink hard liquor while the workingmen are denied the right to drink beer; the activities of spies, snoopers, and informers; the poisoning of alcohol; and the collection of income tax from bootleggers. Here is the language of the commission on this subject:

"A number of causes of resentment or irritation at the law or at features of its enforcement raise difficulties for national prohibition. A considerable part of the public were irritated at a constitutional 'don't' in a matter where they saw no moral question. The statutory definition of 'intoxicating' at a point clearly much below what is intoxicating in truth and fact, even if maintainable as a matter of legal power, was widely felt to be arbitrary and unnecessary. While there was general agreement that saloons were wisely eliminated, there was no general agreement on the universal régime of enforced total abstinence. In consequence many of the best citizens in every community, on whom we rely habitually for the upholding of law and order, are at most lukewarm as to the national prohibition act. Many who are normally law-abiding are led to an attitude hostile to the statute by a feeling that repression and interference with private conduct are carried too far. This is aggravated in many of the larger cities by a feeling that other parts of the land are seeking to impose ideas of conduct upon them and to mold city life to what are considered to be their provincial conceptions.

"Other sources of resentment and irritation grow out of incidents of enforcement. In the nature of things it is easier to shut up the open drinking places and stop the sale of beer, which was drunk chiefly by workingmen, than to prevent the wealthy from having and using liquor in their homes and in their clubs. Naturally when the industrial benefits of prohibition are pointed out laboring men resent the insistence of employers who drink that their employees be kept from temptation. It is easier to detect and apprehend small offenders than to reach the well-organized larger operators. It is much easier to padlock a speak-easy than to close up a large hotel where important and influential and financial interests are involved. Thus the law may be made to appear as aimed at and enforced against the insignificant, while the wealthy enjoy immunity. This feeling is reinforced when it is seen that the wealthy are generally able to procure pure liquors, where those with less means may run the risk of poisoning through the working over of denatured alcohol, or, at best, must put up with cheap, crude, and even deleterious products. Moreover, searches of homes, especially under State laws, have necessarily seemed to bear more upon people of moderate means than upon those of wealth or influence. Resentment at crude methods of enforcement, unavoidable with the class of persons employed in the past and still often employed in State enforcement, disgust with informers, snoopers, and under-cover men unavoidably made use of if a universal total abstinence is to be brought about by law, and irritation at the inequalities of penalties, even in adjoining districts in the same locality and as between State and Federal tribunals—something to be expected with respect to a law as to which opinions differ so widely—add to the burden under which enforcement must be conducted.

"Resentment is aroused also by the Government's collecting income tax from bootleggers and illicit manufacturers and distributors upon the proceeds of their unlawful business."

DEMORALIZING EFFECT ON COURTS, PROSECUTING OFFICIALS, AND OVERCROWDING OF PRISONS CITED AS EVILS OF PROHIBITION

(Pp. 99–103 commission report, pp. 55–58 reprint)

(Under the caption of "The strain on courts, prosecuting machinery, and penal institutions" the commission points out in vigorous language the disrepute into which the Federal courts have fallen as the result of prohibition, and also the bad effects of so crowding the dockets that bargain days are necessary to clear them. The evils have percolated through every department of judicial and penal machinery touched by prohibition.)

Our Federal organization of courts and of prosecution were ill-adapted to the task imposed on them by the national prohibition act. Serious difficulties at this point soon became apparent and enforcement of national prohibition still wrestles with them. The program of concurrent Federal and State enforcement imposes a heavy burden of what was in substance the work of police courts upon courts set up and hitherto employed chiefly for litigation of more than ordinary magnitude. In the first five years of national prohibition the volume of liquor prosecutions in the Federal courts had multiplied by seven and Federal prosecutions under the prohibition act terminated in 1930 had become nearly eight times as many as the total number of all pending Federal prosecutions in 1914. In a number of urban districts the enforcement agencies maintain that the only practicable way of meeting this situation with the existing machinery of Federal courts and prosecution is for the United States attorneys to make bargains with defendants or their counsel whereby defendants plead guilty to minor offenses and escape with light penalties. Hence a disproportionate number of Federal liquor prosecutions terminate in pleas of guilty. In the year ending June 30, 1930, over eight-ninths of the convictions were of this character. Since enactment of the increased penalties act, 1929, prosecutors have proceeded by information for minor offenses in most cases, thus facilitating the bargain methods of clearing the dockets. During the year ending June 30, 1930, whereas for the Federal courts as a whole 41.4 per cent of the convictions resulted in sentences to some form of imprisonment, in three urban districts in which there was obvious congestion the percentages were 6.3, 3.9, and 5, respectively. The meagerness of the result in proportion to the effort shows the seriousness of the difficulty under which the enforcement of national prohibition has been laboring. But this is not all. The bargain method of keeping up with the dockets which prevails of necessity in some of the most important jurisdictions of the country, plays into the hands of the organized illicit traffic

by enabling it to reckon protection of its employees in the overhead. In some of our largest cities sentences have been almost uniformly to small fines or trival imprisonment. Thus criminal prosecution, in view of the exigencies of disposing of so many cases in courts not organized for that purpose, is a feeble deterrent. The most available methods of enforcement have come to be injunction proceedings and seizure and destruction of equipment and materials.

Lawyers everywhere deplore, as one of the most serious effects of prohibition, the change in the general attitude toward the Federal courts. Formerly these tribunals were of exceptional dignity and the efficiency and dispatch of their criminal business commanded wholesome fear and respect. The professional criminal, who sometimes had scanty respect for the State tribunals, was careful so to conduct himself as not to come within the jurisdiction of the Federal courts. The effect of the huge volume of liquor prosecutions which has come to these courts under prohibition has injured their dignity, impaired their efficiency, and endangered the wholesome respect for them which once obtained. Instead of being impressive tribunals of superior jurisdiction they have had to do the work of police courts, and that work has been chiefly in the public eye. These deplorable conditions have been aggravated by the constant presence in and about these courts of professional criminal lawyers and bail-bond agents whose unethical and mercenary practices have detracted from these valued institutions.

Prosecutors, Federal and State, have been affected no less than courts. They have been appointed and elected too often under pressure of organizations concerned only with prohibition, as if nothing else were to be considered in the conduct of criminal justice. Their work has been appraised solely in terms of their zeal in liquor cases. Under the pressure to make a record in such cases it has not always been easy to keep up the right standards of forensic conduct and methods, and speeches such as had not been known in common-law courts since the seventeenth century have become not uncommon in our criminal courts in the last decade. High-handed methods, unreasonable searches and seizures, lawless interference with personal and property rights have had a bad effect on the work of prosecution at a time when the general condition of American administration of justice was imperatively demanding improvement.

Injurious effects upon the administrative machinery of the courts have been equally apparent. Instances of difficulty in procuring execution of warrants by United States marshals, scandals in the carrying out of orders for the destruction of seized liquors, failure to serve orders in padlock injunction cases, and carrying on of illicit production and distribution under protection of a marshal or his assistants, in many places have brought the executive arm of the Federal courts into disrespect, where until recently its efficiency was universally believed in. The procuring of permits, the giving of legal advice to beer rings and organizations of bootleggers, and the acting as go-betweens between lawbreakers and political organizations with a view to protection on one side and campaign contributions on the other have made conspicuous a type of politician lawyer who had been absent from the Federal courts in the past.

Nor have these bad effects been confined to the criminal side of the Federal courts. There has been a general bad effect upon the whole administration of justice. There has been a tendency to appraise judges solely by their zeal in liquor prosecutions. In consequence, the civil business of the courts has often been delayed or interfered with. Zealous organizations, dictating appointments, interfering with policies and seeking to direct the course of administering the law, cooperating with other unfortunate conditions when the law took effect, brought about crude methods of enforcement. The gross inequalities of sentence made possible by the increased penalties act, 1929, has added to the difficulties of the administration of criminal justice.

A policy announced at one time of dealing in the Federal courts only with large-scale violations, with organized smuggling, diversion, and wholesale manufacture and transportation—leaving police cases to the State courts—was not generally successful, for several reasons. Some States have no laws; and in view of the clear implication of section 2 of the eighteenth amendment, the Federal Government could not be expected to acquiesce in a general system of open violations in such States. Some States or localities after the national prohibition act began to leave all enforcement, or at least the brunt thereof, to the Federal courts. In these States, too, the policy of section 2 of the amendment called for Federal action. Moreover, petty prosecutions often have an important place in a program of reaching larger violators. Before repeated offenders may be brought within the provisions of the statute as to second and subsequent offenses it is necessary to prosecute them for a first time, even if only for a relatively slight violation. Such prosecutions of small offenders may also be the means of inducing employees to confess and thus aid in detecting those who are behind them. Nor may we overlook the desire of Federal agents and officials to make a record for liquor prosecutions and the difficulty of catching and convicting large-scale as compared with small-scale violators.

The operation of the national prohibition act has also thrown a greatly increased burden upon the Federal penal institutions, which seems bound to increase with any effective increase in enforcement. The reports of the Department of Justice show that the total Federal long-term prison population—i. e., prisoners serving sentences of more than a year—has risen from not more than 5,268 on June 30, 1921, to 14,115 on June 30, 1930. The number of long-term prisoners confined in the five leading Federal institutions on June 30, 1930, for violation of the national prohibition act and other national liquor laws was 4,296 out of a total of 12,332. The percentage of long-term violators of the national prohibition act and other national liquor laws to total Federal prisoners confined in the five leading Federal institutions on June 30, 1930, was therefore something over one-third. This constituted by far the largest class of long-term Federal prisoners so confined, the next largest classes being made up of those sentenced for violation of the Dyer Act (the national motor vehicle theft act) and the narcotic acts, the percentage of whom on June 30, 1930, were, respectively, 13.2 and 22 per cent of the total.

The figures above set out include only persons serving sentences of more than one year, and do not include the very large number of individuals confined in county jails and other institutions for violation of the national prohibition act under shorter sentences.

The recital of these figures is sufficient to indicate the gravity and difficulty of the problem from the penal housing standpoint which the effective enforcement of the national prohibition act presents.

HOME WINE AND CIDER MAKING CRITICIZED

(Pp. 105–106 commission report, pp. 58–59 reprint)

(The commission finds that section 29 of the Volstead Act, which remits the penalties of the act for making fruit juices and cider in the home is an invitation to hypocrisy. Under this provision Mr. Woodcock, the prohibition director, reported that there were 118,320,300 gallons of 12 per cent wine manufactured in 1930, all of which was legal under this provision of the enforcement act. The commission did mention the fact that wine concentrates are being everywhere sold with Federal aid, but did not show the extent of this aid. In a letter dated January 21, 1931, Edgar Markham, assistant to the chairman of the Federal Farm Board, stated that a total of $19,187,622.07 had been loaned to the California grape growers' cooperatives to that date, of which $2,555,330 was loaned directly to Fruit Industries (Inc.), whose principal business is the manufacture and sale of grape concentrates from which 19 or 20 per cent wine and champagne may be made in the home. Here is what the commission says:)

Reference has been made to the anomalous provision of section 29, title 2, of the national prohibition act as to the manufacture of nonintoxicating cider and fruit juices exclusively for use in the home. If these are not "liquor" within the act, it is hard to see why the provision was needed. If they are, and the provision so suggests by saying that the penalties for the manufacture of "liquor" shall not apply to them, there is a discrimination between beer of lower alcoholic content, which certainly is not a "fruit juice," and wine of distinctly higher content. Moreover, the failure to fix the meaning of "nonintoxicating" in this connection, leaving it a question of fact to be passed on by the jury in each case, in effect removes wine making from the field of practicable enforcement. Why home wine making should be lawful while home brewing of beer and home distilling of spirits are not, why home wine making for home use is less reprehensible than making the same wine outside the home for home use, and why it should be penal to make wine commercially for use in homes and not penal to make in huge quantities the material for wine making and set up an elaborate selling campaign for disposing of them is not apparent. If, as has been decided, the provision means to sanction home making of wine of greater alcoholic content than permitted by section 1, it is so arbitrary, so inviting of evasion, and so contrary to the policy announced in section 3 that it can only be a source of mischief.

LAW NULLIFIED WITHOUT STATE COOPERATION, WHICH, ADMITTEDLY IS NOT GIVEN

(P. 106 commission report, p. 59 reprint)

It is generally admitted and indeed has been demonstrated by experience that State cooperation is necessary to effective enforcement. In States which decline to cooperate and in those which give but a perfunctory or lukewarm cooperation, not only does local Federal enforcement fail, but those localities become serious points for infecting others. As things are at present, there is virtual local option. It seems to be admitted by the Government and demonstrated by experience that it is substantially impracticable for the Federal Government alone to enforce the declared policy of the national prohibition act effectively as to home production. Obviously, nullification by failure of State cooperation and acquiesced-in nullification in home have serious implications. Enforcement of a national law with a clearly announced national policy, such as is set forth in section 3 of the national prohibition act, can not be pronounced satisfactory when gaps of such extent and far-reaching effect are left open.

LITTLE HOPE OF ERADICATING CORRUPTION

(Pp. 106–107 commission report, p. 59 reprint)

As to the prevailing corruption, it has its foundation in the profit involved in violations of the national prohibition act. Hence it could be put an end to, or at least greatly reduced, by eliminating or reducing that profit. Also it could be materially reduced by better selection of personnel, both in the Federal enforcing organization and in State police, administrative, and prosecuting organizations. But it may be queried whether the profit in violation of the national prohibition act is likely to be eliminated or largely reduced so long as so many people and the people in so many localities are willing to pay considerable sums to obtain liquor, and so long as the money available for corruption is so wholly out of proportion to what is practicable in the way of salaries for those concerned with enforcement.

As to the state of public opinion, the way toward improvement is chiefly through education. Unhappily, since the national prohibition act the whole emphasis has been upon coercion rather than upon education.

LAW IS NOT ENFORCEABLE AND IS PREJUDICIAL TO RESPECT FOR LAW

(Pp. 109–110 commission report, p. 61 reprint)

If, with regard to any law, assuming a vigorous effort at enforcement, the result is found to be that, notwithstanding enormous number of convictions, there is little deterrent effect and, after a decade of experience the volume of violations seems to increase steadily and the public attitude is increasingly indifferent or hostile, the question arises as to whether such a law is, in any proper sense, enforceable. * * * In view of the policy announced in section 3 of the act, any large volume of liquor continually in circulation shows a serious falling short of the goal, and is highly prejudicial to respect for law.

(NOTE.—Prohibition Director Woodcock, in his survey dated September, 1930, reported that more than 73,000,000 gallons of moonshine whisky and smuggled liquor were in circulation in 1930, which is only 8,000,000 gallons short of the 1919 withdrawals; that 118,000,000 gallons of wine were made, which is considerably more than twice the largest amount of wine withdrawn before prohibition, and that 683,000,000 gallons of 3.4 per cent beer were made in the homes, which beer contained 766,000 gallons more of absolute alcohol than the 2.75 beer made in 1919. Mr. Woodcock's estimates of the liquor made in the United States and smuggled in is much below that of other investigators.)

IN SPITE OF ELABORATE ENFORCEMENT MACHINERY AND SUSTAINED PRESSURE, ENFORCEMENT IS A FAILURE AND CAN NOT BE MADE EFFECTIVE AGAINST HOSTILE PUBLIC SENTIMENT AND NONCOOPERATION ON THE PART OF THE STATES

(Pp. 140–141 commission report, pp. 79, 80 reprint)

It may be urged that the bad features of enforcement, or nonenforcement, which obtain to-day may be obviated with the lapse of time and certain improvements in the machinery of enforcement, through improved enforcement personnel, divorce of enforcement from politics, provision of more men, more money, and better equipment for the enforcing agencies, and certain amendments of the statutes and of the administrative regulations.

On the other hand, it may be urged that the primary difficulties in the way of enforcement lie deeper than these things. The statute has been in force for a decade with large majorities in Congress pledged to give effect to it and militant organizations pushing to that end. There has been more sustained pressure to enforce this law than on the whole has been true of any other Federal statute, although this pressure in the last four or five years has met with increasing resistance as the sentiment against prohibition has developed. No other Federal law has had such elaborate State and Federal enforcing machinery put behind it. That a main source of difficulty is in the attitude of at least a very large number of respectable citizens in all communities and of a majority of the citizens in most of our large cities and in several States is made more clear when the enforcement of the national prohibition act is compared with the enforcement of the laws as to narcotics. There is an enormous margin of profit in breaking the latter. The means of detecting transportation are more easily evaded than in the case of liquor. Yet there are no difficulties in the case of narcotics beyond those involved in the nature of the traffic because the laws against them are supported everywhere by a general and determined public sentiment. Hence a program of improvement should be directed also toward a more favorable public opinion.

As to the possibilities of a much better personnel, it should be noted that improvement has been made of late. But there is a difference of opinion as to how far the requisite personnel will be possible, as something enduring and continuous, under our polity. It is to be wished that a divorce from politics might be brought about in large measure as to all enforcement of law. But, as a thoroughgoing change in our established methods, it must come slowly as to any of the activities of government. The methods, so well developed in recent years, which are practicable in a private industrial organization are not wholly applicable in the management of political affairs of 120,000,000 people.

More men, more money, and more and better equipment for the enforcing agencies would undoubtedly achieve much, but no improvement in machinery will avail without cooperation from the States. This State cooperation will ultimately depend upon local public opinion. So long as public opinion is adverse or indifferent in large cities and in many States, so long as there is no practicable means of reaching home manufacture (which may easily run into commercial manufacture), and so long as the margin of profit remains what it is, serious obstacles in the way of satisfactory enforcement will continue to be beyond the reach of improved organization personnel and equipment and tightened statutory and administrative provisions.

HERE IS THE LOGICAL AND REAL CONCLUSION OF THE COMMISSION

(Pp. 143, 144 commission report)

If there is to be revision of the eighteenth amendment, the following requirements should be met:

(1) The revision should be such as to do away with the absolute rigidity of the amendment as it stands. It should give scope for trying out further plans honestly with some margin for adjustment to local situations and the settled views of particular communities. It should admit of different modes or types of prohibition, or control in different localities in case Congress approves. It should aim at keeping control in the Nation, and committing details and initiative to the States. (2) It should be such as to conserve the benefits of the present situation by National and State repression of saloons and open drinking places and yet permit, where demanded by public opinion, an honest, general or local control of manufacture or importation and distribution, consistent with the minimum demand which otherwise, in very many localities at least, will tend to bring about a régime of nullification or defiance of law. (3) It should allow of attempts by general or nationally approved local systems of control to do away with the enormous margin of profit which is at the bottom of widespread corruption and general lawlessness. (4) It should allow of allaying the sources of resentment and irritation directly and in accord with the spirit of the law instead of impelling to courses inconsistent with the spirit if not also the letter of the law, and inviting disrespect for the legal ordering of society. (5) It should allow of adjustment to local public opinion so as to do away with the strain on courts and prosecuting machinery involved in the attempt to force an extreme measure of universal total abstinence in communities where public opinion is strongly opposed thereto, while subjecting the means of adjustment to national approval and so insuring against the return of the saloon anywhere. (6) It should involve a minimum of interference with the existing system and a possibility of retaining it or returning to it as communities are or become ready for or reconciled to it.

CONCURRENT ENFORCEMENT IMPOSSIBLE

It would seem wise to eliminate the provision for concurrent State and National jurisdiction over enforcement contained in the second section as the amendment stands. This provision has not accomplished what was expected of it, and there are no signs that it will ever do so. It is anomalous to have two governments concurrently enforcing a general prohibition. Action on the part of the States can not be compelled. If it comes, it will come voluntarily by State enactment and enforcement of State law. The States can do this without any basis in the Federal Constitution.

SUGGESTED AMENDMENT TO REPLACE THE EIGHTEENTH AMENDMENT

All the commission agree that if the amendment is revised it should be made to read substantially as follows:

SECTION 1. The Congress shall have power to regulate or to prohibit the manufacture, traffic in, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes.

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FINDINGS AND OPINIONS OF THE INDIVIDUAL MEMBERS OF THE COMMISSION

STATEMENT BY HENRY W. ANDERSON

*Prohibition in law but not in fact*

(P. 156 commission report, pp. 89, 90 reprint)

The facts stated and discussed in the report of the commission can lead only to one conclusion. The eighteenth amendment and the national prohibition act have not been and are not being observed. They have not been and are not being enforced. We have prohibition in law but not in fact.

*Evils of prohibition far-reaching*

(P. 157 commission report, p. 90 reprint)

As a result we are confronted by new evils of far-reaching and disturbing consequences. We are in grave danger of losing all that has been gained through the abolition of the legalized liquor traffic and the saloon. The fruitless efforts at enforcement are creating public disregard not only for this law but for all laws. Public corruption through the purchase of official protection for this illegal traffic is widespread and notorious. The courts are cluttered with prohibition cases to an extent which seriously affects the entire administration of justice. The prisons, State and National, are overflowing, but the number of lawbreakers still increases. The people are being poisoned with bad and unregulated liquor, to the permanent detriment of the public health and the ultimate increase of dependency and crime. The illicit producer, the bootlegger, and the speak-easy are reaping a rich harvest of profits and are becoming daily more securely intrenched. The enormous revenues (estimated at from two to three billion dollars per annum) placed in the hands of the lawless and criminal elements of society through this illegal traffic are not only enabling them to carry on this business in defiance of the Government but to organize and develop other lines of criminal activity to an extent which threatens social and economic security. The country is growing restive under these conditions. The situation demands some definite and constructive relief.

The liquor question is obscuring thought, dominating public discussion, and excluding from consideration other matters of vital concern to an extent far beyond its actual importance in our social and economic life. It must be solved or the social and political interests of our country may be seriously compromised.

We should profit by the lessons of our own history. America was the only nation of the civilized world which had to invoke the horrors of civil war to rid itself of the blight of human slavery. We allowed emotion and prejudice to obscure thought, and tampered with the situation by evasion and compromise, with tragic results. We are doing the same to-day. The whole world, including America, after years of suffering, is in a condition of social

unrest and economic depression. Confidence in the integrity and capacity of government is shaken. It is no time for tampering with this problem. A definite solution is demanded.

*Public opinion opposed to the law*

(P. 160 commission report, p. 91 reprint)

No law can be enforced unless it has the general support of the normally law-abiding elements of the community.

(NOTE.—Compare Commissioner Anderson's sentiment with that of Lincoln uttered before the Civil War:)

"No law is stronger than is the sentiment in the community where it is to be enforced."

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*Can not be enforced at all*

In view of the statement of every Federal Director or Commissioner of Prohibition, confirmed by the unanimous finding of this commission, that the national prohibition act can not be enforced without the cooperation of the States, this situation seems to require only a simple syllogism to demonstrate that this law can not be enforced at all.

*Violent sectionalism affects entire national life*

(P. 165 commission report, pp. 93, 94 reprint)

These conditions are clearly reflected in the attitude of individuals and communities toward the observance and enforcement of the prohibition laws. Those who had been accustomed to use alcoholic beverages—who saw no harm in their moderate use and no reason why they should be denied this privilege—sought other sources of supply in disregard of the law. Public irritation and resentment developed. There was a revival of sectionalism due to the feeling in urban and industrial communities that the law was an effort on the part of the agricultural sections to force their social ideals upon other sections to which those ideals were not adapted. On the other hand, there was, on the part of those communities which favored the law, resentment against those which resisted its enforcement. These things are not only prejudicial to the observance and enforcement of the prohibition law; they go much further, and affect adversely the normal operations of our entire national life.

*Take the profit out of lawlessness*

(P. 168 commission report, p. 95 reprint)

With the illegal liquor traffic the prime resource lies in the profits of the business. Remove this and the business will end.

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So long as human nature remains unchanged and lawlessness is profitable it will persist. Make lawlessness unprofitable by holding it in check as far as practicable and by using the forces of social and economic law against it, instead of trying to enforce direct control in violation of those principles, and the result will be successful.

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Upon consideration of the facts presented in the report of the commission, and the causes herein discussed, I am compelled to find that the eighteenth amendment and the national prohibition act are not observed, and can not be enforced.

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COMMISSIONER ANDERSON'S LIQUOR-CONTROL PLAN

(Unreservedly indorsed and recommended by Commissioners Loesch, Mackintosh, and Pound, and conditionally indorsed by Commissioners Kenyon and McCormick if further trial of prohibition proves unsuccessful.)

(Pp. 177–195 commission report, pp. 99–109 reprint)

*Proposed plan of liquor control*

Any plan for the control of the liquor traffic must meet three fundamental requirements: (1) It must be based upon sound social, political, and economic principles; (2) it must be adequate in scope and structure to meet every element of the problem; and (3) it must be practical in operation.

1. The principles and requirements of the plan

The essential principles and requirements to which any plan of liquor control must conform may be briefly stated.

(a) It must preserve the benefits which have been gained through the abolition of the legalized liquor traffic and the saloon conducted solely for private profit.

(b) It must provide for the effective control and regulation of individual conduct with respect to the use of alcoholic liquors to the extent that such conduct is antisocial or injurious to others; but it must respect and protect freedom of individual action when that is not antisocial or injurious to the community. This will remove public irritation and resentment against the law, and will insure that support from the normally law-abiding elements of the community which is essential to its observance and effective enforcement.

(c) It must be sufficiently flexible to admit of ready adaptation to changing conditions and methods of evasion. It must restore the traditional balance between the functions of the Federal and State Governments, defining the duties of each with sufficient clearness to prevent overlapping, and leaving sufficient elasticity to permit of mutual adjustment. It must give to the Federal Government adequate power to insure uniformity of control as to those aspects of the problem which are of general concern or proper Federal cognizance. It must leave to the States the maximum of discretion consistent therewith, both as to the policy to be adopted in dealing with the problem, and as to methods of local control, to the end that it may be adapted to the public sentiment of the people and to local conditions within the States. This would permit of the ready adjustment of the plan to the varied social, racial, and institutional conditions existing throughout the United States and within the several States.

(d) It must conform to the requirements of sound economic principles, and recognize the irresistible power of the law of supply and demand. It must take the profit out of every phase of the illegal traffic, and employ the force of economic law to defeat that traffic, instead of attempting to oppose the principles, permitting them to operate in favor of the lawbreaker. We have seen that the failure to conform to this requirement has operated to defeat every system for the regulation or control of the liquor traffic in America.

(e) Finally, the profits of the liquor traffic should be used for the destruction of that traffic and the prevention of crime. To the extent that the demand for alcoholic beverages can not be prevented it must be tolerated, but the supply should be restricted to the full extent that this can be done without opening the way for the profitable operations of the illegal traffic. To this end the demand, in so far as it can not be prevented, should be supplied by privately owned and operated agencies created for this purpose under strict Government regulation. They should be required to supply wholesome products at prices and under conditions to be fixed by Federal and State commissions. By thus furnishing a better product at lower prices it would at once become impossible for the illicit traffic to continue. The profits in excess of a return, fixed by law, on the capital invested should go into the treasury of the Federal or State government, as the case might be. After paying all expenses of the governments in connection therewith, the remainder of such profits should be segregated into special funds, Federal or State, to be appropriated by Congress and the respective State legislatures in their discretion for education, public health, the improvement of housing conditions, and other social purposes of similar nature. In this way, instead of having the proceeds of this traffic go to finance lawless and criminal activities as at present, they would be used to eliminate the breeding grounds of crime and ultimately to remove those conditions which are most potential in inducing the excessive use of intoxicating beverages.

2. The scope and structure of the plan

I

It is proposed that as soon as practicable, by appropriate action of Congress and of the States, the eighteenth amendment be modified or revised, as recommended by the commission, to read as follows:

"The Congress shall have power to regulate or to prohibit the manufacture, traffic in, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes."

This modification would bring the amendment into conformity with the traditional principles of our system of government. By conferring power upon Congress it would give to the amendment the necessary flexibility. The power to prohibit should be given to the end that if the proposed modification is adopted the national prohibition act would continue in force thereunder until Congress enacted some other plan, thus avoiding any break in the system of control and preventing the restoration of the saloon anywhere in the United States. Under the proposed amendment as modified Congress would have full power (1) to continue the present system of absolute national prohibition, or (2) to remit the matter in whole or in part to the States, or (3) to adopt any system of effective control. Since greater flexibility is one of the outstanding needs of the present system, this modification should be made even if the policy of absolute national prohibition is to be continued.

II

That Congress should then create a bipartisan national commission on liquor control, which should have full power under such laws as Congress might enact to regulate and control the manufacture, importation, exportation, transportation in interstate commerce, and also the sale, as and to the extent hereinafter stated, of intoxicating liquors of more than one-half of 1 per cent alcoholic content, for beverage purposes; and to exercise similar regulation and control over alcoholic liquors for other purposes, and of industrial alcohol, to the full extent necessary to render the system of control of such liquors for beverage purposes effective. The powers of the commission as to the regulation and control of the traffic indicated and of the agencies created for the purposes thereof should be fully as complete as those of the Interstate Commerce Commission over railroads and should in every respect be adequate for the purposes of the plan.

III

That Congress should create a national corporation for the purposes of the plan, all of the stock of which should be privately owned, or in its discretion a number of such corporations, such as one for each judicial circuit, with the powers and duties generally stated below. Since one corporation, with branches throughout the country, would simplify operation and regulation, the plan will be stated on that basis. This corporation should have the usual powers of a commercial corporation to the extent necessary for the purposes of the plan except as herein limited. It should be vested with the exclusive right and power (to be exercised under the control and regulations of the national commission) of manufacture, importation, exportation, and transportation in interstate commerce, and of sale as and to the extent hereafter

stated, of all alcoholic liquors for beverage, as well as for medicinal and sacramental purposes in, within, or from the territory of the United States or subject to the jurisdiction thereof. The charter of the corporation should contain appropriate provisions for amendment or repeal by Congress; for the issue and redemption of its securities; limiting the return upon its capital; and providing for its operation and management, all of which should be subject to the control of the commission.

The financial plan of the corporation, to be fixed in its charter and in operation subject to the control of the commission, should provide for an issue of stock of only one class to be sold at par, to be entitled to cumulative dividends limited to such rate upon the actual capital invested as might be determined by Congress, or with its authority by the commission. A rate of not less than 5 per cent nor more than 7 per cent is suggested. The corporation should be permitted to retain from its earnings not exceeding 2 per cent per annum on its invested capital as a reserve against contingencies and as an amortization fund for the retirement of its capital should Congress desire to change the plan of control, or for any other reason. This fund should be held, used, and invested under orders of the commission. All earnings in excess of the permitted return and amortization fund should be paid into the Treasury of the United States to be held as a special fund to be disposed of by Congress as hereinafter provided.

In the event of the liquidation of the corporation for any cause, it should be done under the direction of the commission. After payment of its obligations and the par value of its stock with any accumulated dividends thereon, the remainder of its assets, including any balance of the reserve or amortization fund, should be paid into the Treasury of the United States to be held as a part of the special fund.

IV

It should be required by law that alcoholic liquors for beverage, medicinal, or sacramental purposes of over one-half of 1 per cent alcoholic content by volume (not including industrial alcohol) might be manufactured, imported, exported, transported in interstate commerce, or sold as and to the extent thereafter stated solely by the national corporation or its branches approved by and operating under such bonds as to their employees as might be prescribed by the commission. The commission should have power to prescribe the alcoholic content of the various kinds and grades of liquors.

All alcoholic liquors so acquired or produced should be promptly placed in bonded warehouses of the corporation, which should be located at convenient points throughout the country approved by the commission. Before shipment every container thereof should bear a label of the corporation showing the kind, amount, and alcoholic content of the liquor contained therein, certified by the corporation. The corporation should only be allowed to make sales and shipment of such liquors in any State to a corporate agency created by such State, similar in general character to the national corporation, for the purpose of the purchase and distribution and local sale of such liquors within the State if and to the extent permitted by the laws thereof. If the State, at its option, elected not to adopt the system, it could establish or continue prohibition, in which event it would have to enforce its own laws within the State, but the Federal law would not permit sales or shipments into that State by the national corporation except through the State in bond. Every aspect of the operations outlined would be subject to the control and regulation of the commission, and appropriate penalties would be prescribed for violations of the law or of such regulations.

V

The price at which the various liquors should be sold by the national corporation should be fixed or approved by the commission after hearing in proper cases, and should be posted at appropriate places. The prices should be based primarily upon and scaled upward on the basis of alcoholic content—the lower prices on low alcoholic content liquors, such as light wine and beer, and the highest prices practicable on high alcoholic content liquors, such as whiskies and brandies. The prices should be such as on the one hand to limit the use and, on the other hand, not high enough to permit the illegal traffic in or sale of such liquors. The price should be adequate to provide for the operating requirements of the national corporation on the basis of accounting and expense, to be approved by the commission; for a small ad valorem tax which might be imposed by the Government to provide for its expenses in connection with the system; for the permitted return upon the invested capital of the corporation; and for the reserve or amortization fund. The entire remaining revenue would go into the special fund in the Treasury of the United States to be disposed of by Congress. The price should be as nearly uniform as possible throughout the country.

VI

The national corporation should sell and transport only to State agencies created for the purposes of local distribution and sale within the State. This would be entirely optional with the State. If any State desired to establish or continue prohibition it could do so. In that event it would have to enforce its own law within the State, but would be protected by the Federal Government from any supply from outside. If a State elected to go into the national system it would create a State commission and a State corporation similar in character and structure to the national agencies discussed, with similar powers and functions within the State. The State agencies would have to conform in general outline to a plan prescribed by the national commission in order to insure uniformity throughout the country as to matters of general consequence, but as to local questions they would be subject entirely to State control and could easily be adapted to the varied social and economic conditions within the State. Matters of price, return, and other financial and operating details within the State would be controlled by the State commission along the same lines as already discussed, and the surplus revenues from operations within the State would go into the State treasury as a special fund to be disposed of by the legislature of the State. The State agency would purchase from the nearest branch of the national corporation, and shipments would be made in bottles or containers under the seal of that corporation to such branch of the State agency as might be directed. The State agency would, with the approval of the State commission, establish branches and local sales agencies at convenient points. The State could permit local option as to the establishment of a sales agency in any given community. These agencies should be in buildings where no other commercial activity is carried on, should be open only at certain hours of the day, on such business days as might be prescribed by State law or regulation. The sales employees should be required to give surety bonds to insure good character and protect against abuses. Sales should be permitted only in original packages or units under seal of the national corporation and not opened within a limited distance of the agency. Other necessary regulations would be prescribed by the State commission as to local operations.

Sales should be limited to persons holding license books, which should be issued by the State agency nearest the fixed abode or voting place of the holder under regulations of the commission. The holder should be required to sign an agreement in this book to account for the purchases made thereunder at any time on request and to the satisfaction of the State corporation or State commission. This book should be good for purchase at any State agency in the United States, subject to regulations of the National and State commissions. All purchases should be entered in this book and the entry signed by the employee making the sale. The amount of wine and beer below an alcoholic content to be fixed from time to time by the appropriate commission might or might not be limited, but the amount of high alcoholic liquors should be limited to a reasonable quantity in any month, having regard to the proper use by the purchaser with a view to limiting the use and preventing purchases for illegitimate purposes. The requirement for accounting for purchases would further protect this situation. Special permits could be issued under regulations upon showing of special requirements, and provision could be made for limited special books for foreign visitors and transients. Upon conviction for violation of the law, for drunkenness or other cause provided by law, the book could be canceled for such time as might be prescribed. All State and National regulations should seek to restrict sales and use as far as may be done, without leaving a possible demand which could be supplied at a profit by bootleggers. The essential purpose must be to drive the illicit producer and trader out of business and keep them out by directing against them the force of the law of supply and demand, and fixing prices with which they can not possibly complete. Within these limits the regulations should operate to reduce the demand. No advertisement of alcoholic liquors or solicitations of purchasers should be permitted.

VII

The excess revenues from the operations of the National corporation would go into the Federal Treasury, and those from the operations of the State corporation and its branches would go into the State treasury. These revenues, which now go entirely to the lawless and criminal classes, would undoubtedly be very large. They would be subject to disposition by Congress and the State legislatures respectively. They should be set aside as special funds in the respective treasuries, and used for educational purposes, especially as to the evils resulting from the use of alcoholic beverages and for the eradication and prevention of those conditions which cause excessive drinking, or which tend to create a demand for intoxicating beverages.

To this end it is proposed that the revenues derived by the Federal Government from the plan, including the excess earnings of the national corporation, should be set aside in the Treasury as a special fund from which the expenses of the Government, including those of the national commission incurred in connection with the system, should first be paid. The commission should be required to collect accurate facts and statistics as to the operation and social and economic results of the system in the United States and of systems of liquor control in all foreign countries and the effects of such systems, and of the use of intoxicating liquors upon individual, social, and economic life; to publish the same in bulletins for distribution without cost to colleges, schools, libraries, and other educational agencies, and to individuals. These publications should be in popular terms but should be scientific and factual, similar to those now issued by the scientific agencies of the Government. The cost thereof, including distribution, should be paid out of this fund.

Such proportion of the remainder of the fund as Congress might determine should be distributed among the several States upon an equitable basis and should be used by them as stated below. The remainder of the fund should be appropriated by Congress to be used by the proper Federal agencies for scientific investigations of social and economic conditions related to crime and dependency at their source to the extent that these matters are within the proper cognizance of the Federal Government.

The larger proportion of the national fund could be apportioned to the States since matters of social regulation and improvement are properly within their jurisdiction. After paying the expenses

of the State commission and other regulation expenses, the State could use the surplus revenues derived from the excess earnings of the State corporation (if created), together with its proportion of the national fund, for education, public health (including medical services for the poorer rural districts), the improvement of housing conditions and elimination of slums, urban and rural, the prevention and abatement of delinquency, the care of the poor, the improvement of economic security, and other similar social activities which tend to eliminate the sources of crime and delinquency and to remove those conditions of social and economic hardships and stress by which the demand for alcoholic stimulants is largely induced.

3. The practical operation of the plan

Every principle and feature of this plan, except as to the specific use of excess profits, is now in operation either in the present system of Government regulation of railroads, or in the Federal reserve bank system, or in both. The principle and practice of private ownership and operation under Government regulation are too well established to require discussion. Even as to the use of the excess profits (which is only a suggestion and not an essential part of the structure of the plan) the same principle is in operation with respect to both railroads and banks. The profits of railroads in excess of 5¾ per cent return, fixed on value, are subject to recapture and use under Government control for the development of the transportation services. The profits of the Federal reserve banks, in excess of the limited return on capital and a permitted reserve, go into the Federal Treasury.

Any statement of a plan of this character covering so large a field may seem complicated. In operation it would be simple. All liquor imported or produced would be the property of the national corporation, and would be put into bonded warehouses at convenient points under strict government regulation and control. Accurate accounts thereof would be kept as prescribed by the commission. It could be sold and transported only to State agencies under seal of the national corporation and proper regulations. There would be no leakage in this process because (1) the essential employees of the corporation would be bonded, (2) the product would have to be accounted for to the commission, and (3) there would be no demand for or profit in illegal liquor so long as a reasonable supply could be obtained legally. Smuggling and illicit production would end since no one would buy bootleg liquor of doubtful quality at high prices when good liquor could be obtained at fair prices. The profit in the illegal traffic would be eliminated.

When the liquor reaches the State agency it could be sold only under National and State regulations. Sales could be made only to holders of permit books. These books would be issued under regulations of the State commission, with safeguards against transfer or improper use, and would be subject to cancellation for any violation of the laws or regulations. The amount which any holder could purchase, certainly of high alcoholic content liquors, would be limited as far as it might be possible to do so without opening a demand for an illegal supply. The holder would be required to sign an agreement to account for all purchases on request. The amount purchased would be entered in the book and the entry signed by a bonded employee of the corporation. The liquor so purchased would be in the original package or container of the national corporation, bearing its seal and showing the alcoholic content. The prices to the purchaser would be fixed from time to time by the State commission to meet existing local conditions, subject to adjustment by the national commission for the purpose of general uniformity as in the case of intrastate rates of railroads.

If a State elected to continue prohibition, it could do so. It would enforce its own laws within the State. Full protection would be provided against shipments from without the State. There would be only two possible sources of supply of legal liquor. The Federal law would prohibit shipments of liquor by the national corporation into such State. This source would be completely controlled. Purchases of liquors under the plan in an adjoining State would also be effectively controlled. No liquor could be obtained except on permit books issued as above stated. The amount of the purchase would thus be limited to personal requirements, and the purchaser would have to account for the same on request of the State agency. It would be impossible to secure liquor for illegal shipment or sale.

Illegal production in an adjoining State would be prevented by economic law as well as by Federal and State statutes. The illegal producer could not manufacture and sell bootleg liquor in competition with good liquor supplied by the State agency at lower prices than he could meet. Deprived of a local market, he certainly could not manufacture for the purpose of shipment into another State having prohibition, in violation of the laws of both States and of the Federal law. The door would thus be effectively closed against every source of supply from without the State.

An analysis of this plan of control both as to structure and operation shows that it meets every aspect of the present problem; that it is in conformity with the principles and requirements outlined above. It is predicted upon our own successful experience in dealing with problems involving similar principles of private ownership and operation with adequate government regulation. It fully preserves the benefits gained through the abolition of the legalized traffic and the saloon. It is flexible and may readily be adapted to varying local conditions as well as to new situations or new efforts at evasion which may arise. It is in conformity with our political system, contemplates effective action of both State and Federal Governments in their appropriate jurisdictions, and the adjustment of these activities to each other with a maximum of discretion to the States consistent with effective liquor control.

It also conforms to essential economic principles and brings the force of these principles into play against the smuggler, illicit producer, and bootlegger, instead of permitting them to operate as at present against the Government and in favor of the criminal class. To the extent that there is an unavoidable and existing demand for alcoholic beverages, it meets that demand by legal but controlled supply of wholesale products, instead of having it supplied with dangerous or deleterious stuff through illegal channels. It takes from the lawless and criminal classes the enormous profits of the present illegal traffic, by which public service is being corrupted, and crime developed and organized, and applies these resources to educating the people as to the evils resulting from the use of alcoholic liquors, the elimination of the chief sources of crime, and the relief of the social and economic stress which tends to produce the desire and demand for alcoholic stimulants. It tends through effective control and the operation of natural laws to progressively reduce the demand and ultimately to eliminate this evil from our social and economic life. It should result in an effective solution of the present problem.

CONCLUSION

The problems of American life may best be solved through the study of our own experience in the successful application of sound principles, under our system of dual governments, to our peculiar social and economic conditions.

A study of the conditions in or experience of other countries is helpful only to the extent that it illustrates the operation of principles which underlie and are common to all social and economic organization.

It was with this thought in mind that the plan for the regulation and control of the liquor traffic herein presented was developed. When it became evident as a result of the present investigation and study that the existing system of national prohibition was not being observed or enforced, that owing to social and economic conditions in the United States and to the operation of fundamental social and economic laws it could not be enforced, a study was first made of our own experience in applying the principles involved in this problem to other phases of our national organization and the results of that experience. It was found that in the familiar system of joint State and Federal regulation of railroads, extending over a period of 40 years, every principle involved in the present problem of liquor control had been successfully applied to conditions different as to the facts but similar as to the essentials. The same was found to be true in less degree with the Federal reserve bank system. These two agencies present a body of experience in the successful application of fundamental social and economic laws to the varied and complicated human conditions not to be found elsewhere. The present plan was then formulated, based upon those principles and that experience.

A study was then made of foreign systems of liquor control. Some of the countries were visited, interviews held with government officials and citizens of every class, and checked by personal investigations of the operations of the several systems. The system which has been in force in Sweden for more than 10 years, which is similar as to many principles but different as to many details from the plan herein proposed, is by far the most successful of any existing system of liquor control. These studies abroad entirely confirmed the view that the plan proposed is sound in principle and practical in operation; that it is adapted to our system of government and to social and economic conditions in America; that if adopted it should remove this vexing problem from our political life and result in its constructive solution.

We must not lose what has been gained by the abolition of the saloon. We can neither ignore the appalling conditions which this commission has found to exist and to be steadily growing worse, nor submit to their continuance. The time has arrived when in the interest of our country we should lay aside theories and emotions, free our minds from the blinding influence of prejudice, and meet the problem as it exists. Forgetting those things which are behind, we must bring into action against existing evils the great reserve of American common sense, guided by practical and successful experience. By this means we shall advance the cause of temperance and achieve an effective solution of the liquor problem.

As appears from their separate statements filed with the report, this plan is recommended for consideration by Commissioners Kenyon, Loesch, Mackintosh, McCormick, and Pound. The indorsements of Commissioners Kenyon and McCormick are subject to the condition stated in their memoranda to the effect that they favor a further trial of the present law before definitely recommending the adoption of a substitute.

HENRY W. ANDERSON.

STATEMENT BY COMMISSIONER NEWTON D. BAKER

In my opinion the eighteenth amendment should be repealed and the whole question of policy and enforcement with regard to intoxicating liquors remitted to the States.

If, for practical reasons, immediate repeal be thought unattainable, a submission of the amendment suggested in the report of the commission would test the present sentiment of the country and, if the amendment were adopted, would accomplish the double result of removing an arbitrary and inflexible police regulation from the Constitution, where it seems to me it should never have

been put, and of giving Congress the power to adapt Federal legislation on the subject, from time to time, to the realities of the situation as they may develop.

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In my opinion the problem is insoluble so long as it is permitted to require a nation-wide Federal enforcement of a police regulation, at variance with the settled habits and beliefs of so large a part of our people.

STATEMENT BY COMMISSIONER ADA L. COMSTOCK

The material which has been brought before the commission has convinced me that adequate enforcement of the eighteenth amendment and the national prohibition act is impossible without the support of a much larger proportion of our population than it now commands. Moreover, the conditions which exist to-day in respect to enforcement and which, in my opinion, can be modified only slightly by improvements in administration, tend to undermine not only respect for law but more fundamental conceptions of personal integrity and decency. For these reasons I am one of the members of the commission who favor an immediate attempt at change. As I still hope that Federal regulation of the liquor traffic may prove more effective than that of the States, I favor revision of the amendment rather than its repeal.

STATEMENT BY COMMISSIONER WILLIAM I. GRUBB

I agree with the conclusion of the report that enforcement and observance of the law have never been and are not now adequate or satisfactory, and do not warrant its continuance, unless a change is probable within a reasonable time. I agree also in the finding of the report that there has been an improvement in the efficiency and character of enforcement methods, since the enforcement unit was placed under civil service, and since the transfer of the unit to the Department of Justice. Improvement in the machinery alone will not accomplish satisfactory enforcement. It will require also a favorable change in the attitude of the public toward the law. Voluntary observance of a law of this nature is essential. So long as the majority of the people do not observe it, the law is powerless to enforce it. I believe that the use of only clean and efficient methods of enforcement, together with adequate appropriations to accomplish efficiency, may change the present hostile attitude of the public to one of voluntary observance and approval, that will within a reasonable time for such an end, bring about a proper enforcement of prohibition. So long as improvement continues, the experiment can not be considered completed, and should not be abandoned. If, and when, improvement ceases or when it is demonstrated that the improvement, though continuing, will not result in a changed public opinion, favorable to the law, so that enforcement can be made reasonably effective, the experiment should be abandoned. The time required for the completion of the experiment can not be determined in advance, but will work itself out during the progress of the trial. The result of a further trial is a matter of prophecy, not of fact, as to which there can now be no certain ascertainment. In view of the present improvement, and the possibility of its resulting in successful observance and enforcement of the law in the future, I think the experiment should be accorded a further trial.

FROM THE STATEMENT OF JUDGE WILLIAM S. KENYON, OF THE UNITED STATES CIRCUIT COURT OF APPEALS

(For many years Judge Kenyon has been rated as one of the most able and distinguished prohibitionists in the United States. When a Member of the United States Senate he was coauthor of the Webb-Kenyon Act, forbidding the shipment of liquor in interstate traffic from wet States into dry States.)

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*Enormous profits finance astounding corruption*

(Pp. 209, 211 commission report, pp. 119–120 reprint)

The profits in the unlawful making and vending of intoxicating liquors have been so enormous that the funds to invest in protection have been large, and the temptation to many men in the service on small salaries has been difficult to withstand. Evidence before us by those accurately acquainted with the workings of prohibition in the great cities, shows that in many of them the supposed enforcement of prohibition has been reeking with corruption, and has been a complete fiasco. The grand-jury investigation at Philadelphia in 1928 disclosed that some of the police force were depositing more in the banks than their salaries amounted to. Bootleggers' accounts running up to $11,000,000 were deposited in a certain bank, and the officers of the bank testified they did not know any of the parties so depositing. Witnesses have presented to us evidence showing that breweries have been operated in the heart of a great city with the knowledge of prohibition agents, in some of which as much as $200,000 was invested in the plant. In one large city three breweries were openly operated, and at least up to April 1, 1930, were making real beer and delivering it around the city. Everyone in the vicinity except the prohibition agents seemed to know of the breweries. Truck loads of liquors have been transported under the protection of police. In one State prohibition agents, sent to a great university to look into the situation at a "home-coming," were found drinking with some of the students in a hotel room. In many of the cities there has developed under prohibition an entirely new underworld, due to the large amounts of money involved in the bootlegging business. The gangster and his crew have taken an important part in politics, and in connection with politicians and under their protection control the liquor business in many of the cities. In one of them gangs have entered into agreements dividing the city for plunder, and providing that the beer privilege shall belong in certain parts of the city to certain particular gangs, and criminal syndicates take care through politics of those who buy from the gangs.

There are thousands of speak-easies operating in the large cities—the number is appalling. Speak-easies can not operate openly unless protected from prosecution. One who can operate a speak-easy in a block where policemen are constantly passing is enabled to do so only because of one thing, and that is protective graft. In some cities there is complete protection by ward politicians who must have back of them the influential political bosses. The speak-easies could not run a day if the authorities would act. The combination of liquor and politics has been almost fatal to law enforcement, but surely the Government is not powerless to strike, and strike hard at such a situation. Surely enough honest men can be found to act as prohibition agents and as police. If not, there is no use in any further efforts to enforce these laws or any other laws.

I have referred to only a part of the evidence before us showing the mess of corruption. It is difficult, in view of the secret policy of the commission, to prepare any report doing justice to the subject that may not do injustice to the many able and honest men in the service. Some of the evidence is so startling that it is difficult to believe it. Of course, there was corruption prior to prohibition. The saloon was the center of political activity, but I think the corruption was not so widespread and flagrant as it now is. The amounts involved were not so large. Corruption had not become such an established art, and racketeering was unknown. It has now developed to a high degree of efficiency. Nothing but a congressional investigation could give to the public the whole story.

This situation has developed a type of politician-lawyer unknown to the Federal courts in earlier days, who sells his supposed influence with the district attorney's office and acquires the bootlegger's legal business in many instances by virtue of his political connections and influence.

*What alienated public sentiment*

(Pp. 212, 213 commission report, pp. 120, 121 reprint)

No law can be enforced without reasonable public sentiment behind it. Public sentiment against the prohibition law has been stimulated by irritating methods of enforcement, such as the abuse of the search and seizure process, invasion of homes and violation of the fourth amendment to the Constitution, entrapment of witnesses, killings by prohibition agents, poisonous denaturants resulting in sickness and sometimes blindness and death, United States attorneys defending in the Federal courts prohibition agents charged with homicides, the padlocking of small places and the lack of any real attempt to padlock clubs or prominent hotels where the law is notoriously violated, the arrest of small offenders and comparatively few cases brought against the larger ones. The limitation of the amount of liquor that physicians may prescribe for medicinal purposes, restraint in the use of alcohol for scientific purposes, the fruit-juice proviso of the national prohibition act (sec. 29, Title II), which practically permits the making of wines in the homes, when there is no similar provision as to the making of beer, have contributed to the dissatisfaction.

*Invasion of homes should be stopped*

(P. 214 commission report, pp. 121–122 reprint)

The present book of instructions to agents issued by the Prohibition Bureau stresses the idea that enforcement must be by lawful methods. Government lawlessness in law enforcement is an abhorrent proposition. The fourth and fifth amendments to the Constitution safeguarding the rights of citizens are fully as important as the eighteenth amendment. "Let the homes alone," should be the policy of enforcing officials, unless there is a clear showing that the home is being used as a place for the sale of liquors or the manufacture for sale. (Such is apparently the present policy of the new administrator.) The doctrine that a man's home is his castle still applies so long as it is used as a bona-fide home. Nothing can tend to create public sentiment against these laws more than invasion of the home.

The use of poisonous denaturants in alcohol can not be justified. Death or blindness is too heavy a punishment to administer to one who may indulge in a drink of liquor.

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*Enormous number of stills*

(P. 218 commission report, p. 123 reprint)

The Prohibition Bureau makes reports as to the seizure of stills, illicit distilleries, and paraphernalia used in the manufacture of whisky. These figures show an enormous increase in the number of stills seized by agents of the bureau since 1920, in which year there were approximately 32,000 stills seized. In 1928 there were about 261,000. These stills are sold by mail-order houses and department stores in sections and easily set up. Gen. Lincoln C. Andrews, formerly Prohibition Administrator, before the Senate committee investigating this subject in 1926, testified that the department in 12 months had seized 172,600 stills and had not captured, he thought, more than 1 in 10. That testimony would indicate a tremendous number of stills. The evidence before us tends to show a great increase in the number of stills and a universality of operating extending all over the country. The amount of moonshine liquor in this country per year can not be estimated within reasonable bounds.

*Fourteenth and fifteenth amendments nullified*

(Pp. 236, 237 commission report, p. 133 reprint)

The calm judgment of the American people must face the situation as it now exists. It is probable that the eighteenth amendment can not be repealed. The other alternatives are enforcement, modification, or nullification. Nullification is an odious word in this Republic and yet the fifteenth and parts of the fourteenth amendment to the Constitution have been nullified and such nullification accepted by the people. The situation now as to use of wine concentrates, which seems to be backed by governmental appropriations, amounts to a nullification in part of the eighteenth amendment. That the eighteenth amendment is now nullified in many of the large cities of the country can not be denied by anyone willing to face the facts, and this very nullification is producing public sentiment against the prohibition laws and affecting the judgment of those who earnestly believe that it is a dangerous proposition for a country to permit its laws to be nullified.

*Prohibition a dead letter in cities*

(Pp. 237–238 commission report, pp. 133–134 reprint)

* * * * * * *

It is idle under our form of government to talk of enforcing these laws by the military and naval forces. In large cities in the States which have no enforcement laws the national prohibition laws are bound to become more or less of a dead letter, unless public sentiment therein changes. The Government can go ahead and prosecute some of the larger cases, but every little violation can not be taken care of by the Federal Government at least without creating a system of courts and police that would be staggering.

I do not like to admit that the Federal Government can not enforce its laws without the help of the States, but I am satisfied it can not enforce completely the prohibition laws without such aid. Certainly it can not enforce them in a State where there is active opposition on the part of the officials of the State, and while there is no legal duty on the States that could in any way be enforced to assist in carrying out the Federal statutes, it is apparent that Congress in providing for concurrent jurisdiction expected the States to assist.

*After fair trial, modify or repeal*

(P. 240 commission report, p. 135 reprint)

* * * After such fair trial if they can not be any better enforced than in the past the proponents of these laws should be willing to have the eighteenth amendment modified or repealed.

*Favors a national referendum*

(Pp. 240, 241 commission report, p. 135 reprint)

Much has been said about the eighteenth amendment having been adopted while the boys were overseas and that the people have had no chance to express themselves upon it. In view of growing opposition to the prohibition laws and the prevalence of this sentiment, it seems to me there should be if possible a referendum which would settle the proposition of whether the majority of the American people favor prohibition as a national policy. There is no provision of the Constitution for a referendum and a mere straw-vote referendum by States or magazines is unsatisfactory. There could be an expression by the people under article 5 of the Constitution. An amendment could be proposed to the Constitution to repeal the eighteenth amendment, and the Congress could provide that the ratification should be by conventions in the various States, delegates to be elected by the people. That would present as clear-cut an issue on the subject as is possible under the Constitution.

The people are the source of power, and on a question of this character, where the discussion has become nation-wide and excludes consideration of other great questions involved in our national political life, the people should have a right to speak and to register their desires. Such an amendment as I have suggested, if submitted to conventions in the States, delegations to be chosen by the people, would find the Nation soon engaged throughout its length and breadth in an educational campaign, and such campaign would be beneficial. After 10 years of trial, such as it has been, why should the people not have an opportunity to register their feeling on this subject? If the great majority of the American people are against prohibition and say so in the selection of delegates to constitutional conventions in the States, it will be apparent that such laws can not be nationally enforced. If a large majority of the people declare against repeal of the eighteenth amendment, many who are opposed to it will see that the policy of the eighteenth amendment is to be the national policy and will adjust themselves to the situation. My firm judgment is that the referendum herein suggested would be the best thing that could happen to assist in settling this troublesome situation. A limit of time should be fixed as to the meetings of the conventions, so that the matter may not be stretched over a period of years and so that the will of the people may be expressed at substantially the same time. This can be done under the authority of Dillon *v.* Gloss, 256 U. S. 368.

FROM THE REPORT OF COMMISSIONER MONTE M. LEMANN, WHO DID NOT SIGN THE COMMISSION'S REPORT AND FAVORS REPEAL OF THE EIGHTEENTH AMENDMENT

(Pp. 250, 251 commission's report, pp. 141–142 reprint)

As the foregoing indicates, while industrial alcohol and smuggling present some serious difficulties, they seem to me to be quite within the power of the Federal Government alone to deal with without any unreasonable expenditure or unduly large organization. The great problem in the enforcement of the national prohibition act lies in the ease with which spirits are manufactured in stills, both upon a large and a small scale, and the facility and extent to which wine and malt liquors may be and are made in and outside of homes. The increase in the production of corn sugar in this country from 157,276,442 pounds in 1919 to 896,121,276 pounds in 1929, without adequate explanation in ascertainable legitimate use, is one indication of the extent to which the illicit manufacture of liquor in stills has increased. Cane and beet sugar, corn meal, other grains, and molasses also afford other easily available material for the illicit manufacture of alcohol in stills. It is conceded that it is impossible to do more than guess at the total quantity of alcohol which is currently available from these sources; but the estimate of the Bureau of Prohibition of the Department of Justice for the fiscal year ending June 30, 1930, which is the lowest that I have seen for that year, places the total amount possibly manufactured from corn, cane and beet sugar, corn meal or other grains, and molasses at 29,950,000 gallons of absolute alcohol, equal to 59,900,000 gallons of 100-proof alcohol. The Bureau of Prohibition in the Department of Justice has also estimated the possible illicit production of wine and malt liquor during the fiscal year ending June 30, 1930, to be 118,320,300 and 683,032,000 gallons, respectively. There is no method by which the correctness of these estimates can be checked with reasonable precision, but the expert information that the commission has been able to obtain does not warrant any conclusion that the estimates, in general, are above the fact. The figures above quoted are exclusive of liquor estimated as possibly placed in circulation through smuggling and diversion of industrial alcohol. The total estimates reflect a probable per capita circulation of intoxicating liquor which, while still considerably less than before prohibition, is much too great to sustain any claim of reasonable enforcement or observance of the eighteenth amendment. In the year ending June 30, 1930, according to the annual report of the Commissioner of Prohibition, there were seized 16,180 distilleries, 8,138 stills, 4,152,920 wine gallons of malt liquor, and 34,183,427 wine gallons of mash. Yet the statements made to the commission indicate that intoxicating liquor is readily obtainable in every city of consequence in the country.

*State and city cooperation impossible to obtain*

(P. 262 commission report, p. 148 reprint)

Summarizing, my conclusion is that the eighteenth amendment can not be effectively enforced without the active support of public opinion and the law-enforcement agencies of the States and cities of the Nation; that such support does not now exist; and that I can not find sufficient reason to believe that it can be obtained.

* * * * * * *

FROM THE STATEMENT OF COMMISSIONER FRANK J. LOESCH

(Pp. 265, 266 commission report, p. 149 reprint)

On the evidence before the commission, together with my experience as a prosecuting officer, and from personal observation, I have come to the conclusion that effective national enforcement of the eighteenth amendment in its present form is unattainable; therefore, steps should be taken immediately to revise the amendment.

A strong reason, among others, why I favor immediate steps being taken to revise the amendment is in order to destroy the power of the murderous, criminal organizations flourishing all over the country upon the enormous profits made in bootleg-liquor traffic. Those profits are the main source of the corruption funds which cement the alliance between crime and politics and corrupt the law enforcing agencies in every populous city.

Those criminal octopus organizations have now grown so audacious owing to their long immunity from prosecutions for their crimes that they seek to make bargains with the law-enforcing officers and even with judges of our courts to be allowed for a price to continue their criminal activities unmolested by the law.

Those organizations of murderers and archcriminals can only be destroyed when their bootleg-liquor profits are taken from them. So long as the eighteenth amendment remains in its present rigid form the Nation, the States, the municipalities, the individual citizens are helpless to get out of reach of their poisonous breaths and slimy tentacles.

If not soon crushed those criminal organizations may become as they are now seeking to become supergovernments and so beyond the reach of the ordinary processes of the law.

FROM THE STATEMENT OF COMMISSIONER KENNETH MACKINTOSH

(P. 269 commission report, p. 152 reprint)

If it continues to be demonstrated that all that can be attained under the amendment as now written is observance in those States where local cooperation is freely given and that the individual everywhere must be allowed to violate the law in his home because of the impossibility of there preventing his brewing, fermenting, and distilling, the result will continue to be both public and private nullification. That such a situation now obtains is tacitly, if not directly, admitted by the enforcement agencies themselves.

FROM THE STATEMENT OF COMMISSIONER PAUL J. M'CORMICK

(P. 273 commission report, p. 155 reprint)

From the evidence before the commission I have reached the conclusion that the outstanding achievement of the eighteenth

amendment has been the abolition of the legalized open saloon in the United States. Social and economic benefits to the people have resulted and it is this proven gain in our social organization that has justified the experiment of national prohibition. I am unable to find that there has been any further general moral improvement shown. It has been so clearly established that contemporaneously with national prohibition there has been developed such a widespread spirit of lawlessness, hypocrisy, and unprecedented disrespect for authority that in fairness and candor it must be stated that in the final analysis of conditions now, no other national moral improvement can be credited to prohibition. Nevertheless, the gain should not be jeopardized until it has been demonstrated after the fairest possible trial that the experiment is completed and has proven to be a failure.

*Neither enforcement nor observance*

(P. 274 commission report, p. 155 reprint)

It has been proven to my entire satisfaction that there is to-day neither proper observance nor adequate enforcement of prohibition throughout the country.

*Favors referendum*

It is my belief that a solution of this vexatious problem would be accelerated by ascertaining the sentiment of our citizenry upon the desirability of prohibition as a national policy.

FROM THE STATEMENT OF COMMISSIONER ROSCOE POUND

(P. 279 commission report, p. 159 reprint)

As I interpret the evidence before us it establishes certain definite economic and social gains following national prohibition. But it establishes quite as clearly that these gains have come from closing saloons rather than from the more ambitious program of complete and immediate universal total abstinence to be enforced concurrently by Nation and State. Thus the task is to conserve the gains while finding out how to eliminate the abuses and bad results which have developed in the past decade. Those results are due chiefly to: (1) The enormous margin between the cost of producing or importing illicit liquor and the prices it commands; (2) the hostility or at best lukewarmness of public opinion in important localities and of a significant part of the public everywhere; and (3) the tendency of many States to leave the matter to the Federal Government and of the Federal Government to seek to confine itself to certain larger aspects of enforcement. Instead of the two governments each pressing vigorously toward a common end, as contemplated in the amendment, they allow enforcement in large part to fall down between them.

Objection is made to immediate steps toward revision on the ground that they will hamper and discourage enforcement; that there has been no fair test of enforceability; and that no assuredly workable systems of control are at hand if revision of the amendment were to make them possible. As to the first, the conditions which call for revision are recognized by the Bureau of Prohibition in its program for an enforcement abdicating a large part of the task which the amendment imposes on the Federal Government. I do not understand how a frank endeavor to deal adequately with the parts of the task which it is giving over, while seeking to enable it to do more thoroughly what it is attempting to do, should discourage its performance of the restricted task. As to the second objection, the amendment and the national prohibition act, enacted in an era of enthusiasm, enforced in a decade of prosperity, backed by an exceptional machinery for special enforcement both Federal and State, and guarded by strong organizations urging action and jealously watching for lack of zeal or want of efficiency, seem to me to have had the best chance they are likely to have of showing what they can achieve. My fear is that obstinate attempt to maintain them at all hazards, as they are, will give impetus to a reaction in which the gains will be lost.

FROM THE STATEMENT OF CHAIRMAN GEORGE W. WICKERSHAM

(Pp. 284, 285 commission report, pp. 161, 162 reprint)

I am in entire accord with the views expressed in the report that prohibition can not be accomplished without the cooperation of the States and the active support of public opinion. This cooperation has been and still is sadly lacking in many States. Even where there is an adequate State law and a good State law-enforcement organization, public sentiment often prevents enforcement. The crucial inquiry respecting the national situation is whether it be too late to expect or to hope for any more favorable turn in public opinion as a result of better organization and methods of enforcement and a campaign of exposition of the evils of the old state of affairs and the dangers of a return to the saloon and corrupt saloon politics. I think that if a proposed amendment to the Constitution simply repealing the eighteenth amendment were to be passed by the requisite majorities in both Houses of Congress and submitted to the States, to be considered by conventions called for the purpose in each State, the delegates to be chosen in an off year and the conventions to be held in a year when there is no presidential election, we should have intelligent discussions of the question and a result which would reflect the sober, informed, and deliberate opinion of the people. Such a procedure might remove the issue from party politics. If the result were to support the eighteenth amendment, public opinion would promote observance and sustain a reasonable, intelligent inforcement of the law such as would furnish a test of prohibition that would conclusively demonstrate whether or not it is practicable. If the preponderating opinion should oppose prohibition, the way would be opened to a revision of the amendment such, for example, as the one recommended in our report.

Mr. HAWES. Mr. President, I now move that the bill be referred to the Committee on the Judiciary for further investigation and report.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Missouri, that the bill be referred to the Committee on the Judiciary.

Mr. HAWES. Upon my motion I ask for the yeas and nays.

Mr. HOWELL. Mr. President, of course, it is very apparent that the whole purpose of the motion is to defeat the bill. I wish to state that when the bill was introduced in the Senate I talked with the chairman of the Judiciary Committee, my colleague, the senior Senator from Nebraska [Mr. NORRIS], who stated that he should prefer that it go to the Committee on the District of Columbia. The bill had been through the hands of the law officers of the Government. It was the bill as it came from the Attorney General, with one or two minor alterations. It had been thoroughly scrutinized from that point of view. It was not a raw measure. Upon the advice of my colleague, the chairman of the Judiciary Committee, it was referred to the Committee on the District of Columbia. I certainly trust that the motion will not be agreed to.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Missouri [Mr. HAWES] to refer the bill to the Committee on the Judiciary, upon which motion the yeas and nays have been demanded.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. NYE (when his name was called). Upon this question I am paired with the Senator from Maryland [Mr. TYDINGS]. I understand that if present he would vote "yea." If I were at liberty to vote, I would vote "nay."

Mr. STEPHENS (when his name was called). On this vote I am paired with the junior Senator from Indiana [Mr. ROBINSON]. In his absence I withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. GILLETT. I have a general pair with the Senator from North Carolina [Mr. SIMMONS], who is necessarily absent. Not knowing how he would vote, I withhold my vote.

Mr. COPELAND. I wish to state that if my colleague [Mr. WAGNER] were present and permitted to vote he would vote "yea."

Mr. ROBINSON of Arkansas. I transfer my pair with the senior Senator from Pennsylvania [Mr. REED] to the senior Senator from Florida [Mr. FLETCHER] and vote "nay."

Mr. GLASS. My colleague [Mr. SWANSON] is unavoidably absent. He is paired with the Senator from Colorado [Mr. WATERMAN]. If present, my colleague would vote "yea."

Mr. HATFIELD (after having voted in the negative). I have a general pair with the junior Senator from North Carolina [Mr. MORRISON]. Not knowing how he would vote, I withdraw my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Rhode Island [Mr. HEBERT] with the Senator from Iowa [Mr. STECK];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from Oregon [Mr. STEIWER] with the Senator from Utah [Mr. KING].

The result was announced—yeas 28, nays 45, as follows:

YEAS—28

| | | | |
|---|---|---|---|
| Bingham | Couzens | La Follette | Ransdell |
| Blaine | Cutting | Metcalf | Shipstead |
| Blease | Glass | Morrow | Shortridge |
| Broussard | Gould | Moses | Walcott |
| Bulkley | Hawes | Oddie | Walsh, Mass. |
| Carey | Johnson | Phipps | Walsh, Mont. |
| Copeland | Kean | Pittman | Wheeler |

NAYS—45

| | | | |
|---|---|---|---|
| Ashurst | Dill | Heflin | Robinson, Ark. |
| Barkley | Fess | Howell | Sheppard |
| Black | Frazier | Jones | Smith |
| Borah | George | Kendrick | Thomas, Okla. |
| Bratton | Glenn | Keyes | Townsend |
| Brock | Goff | McGill | Trammell |
| Brookhart | Goldsborough | McKellar | Vandenberg |
| Capper | Hale | McMaster | Watson |
| Caraway | Harris | McNary | Williamson |
| Connally | Harrison | Norbeck | |
| Dale | Hastings | Norris | |
| Deneen | Hayden | Partridge | |

NOT VOTING—23

| | | | |
|---|---|---|---|
| Davis | Morrison | Schall | Swanson |
| Fletcher | Nye | Simmons | Thomas, Idaho |
| Gillett | Patterson | Smoot | Tydings |
| Hatfield | Pine | Steck | Wagner |
| Hebert | Reed | Steiwer | Waterman |
| King | Robinson, Ind. | Stephens | |

So the Senate refused to refer the bill to the Judiciary Committee.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Wisconsin. The Senator from Arizona is recognized.

Mr. HOWELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Nebraska?

Mr. ASHURST. I yield for a question.

Mr. HOWELL. I do not care to ask a question.

Mr. ASHURST. Mr. President, the able Senator from Missouri [Mr. HAWES] just before he moved to refer this bill to the Committee on the Judiciary said that the bill should have a further examination by the law committee. There is doubtless some force in his suggestion, but I did not vote to refer it to the Judiciary Committee, although I am a member of that committee, as I believe that this bill may be perfected on the floor of the Senate; indeed, I am convinced that the amendment proposed by the Senator from Idaho [Mr. BORAH] would be efficacious and constitutional. I shall read its operative parts:

> No search warrant shall issue to search any private dwelling as such unless it is being used for the unlawful sale, unlawful storage for sale, or unlawful manufacture for sale of intoxicating liquor—

And so forth.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Nebraska?

Mr. ASHURST. I yield for a question.

Mr. NORRIS. I want to suggest that the Senator yield to my colleague. I think he was going to suggest that he would accept the amendment suggested by the Senator from Idaho, if he could have a chance to do so, and let it go in the bill.

Mr. ASHURST. I hope the Senator from Nebraska will accept the amendment proposed by the Senator from Idaho.

Mr. President, there has been much discussion lately as to the constitutional right and authority of officers to search dwellings. Probably in all our jurisprudence there is no other feature around which there clusters so much romance and which has been more definitely put into position and accepted than the provisions of the fourth and fifth amendments to the Federal Constitution, and even at the risk of tediousness I am going briefly to sketch the history of the fourth and fifth amendments to the Constitution, as there is a large attendance in the Senate. It is almost presumptious, however, in the Senate of the United States to do that, as most Senators are familiar with that history.

These noble amendments are as follows:

ARTICLE IV

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ARTICLE V

> No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

A gentleman calling upon me the other day asked, "Did you ever read Lord Coke's famous maxim in Semayne's case," to wit, "The house of everyone is to him as his castle and fortress, as well for his defense against injury and violence as for his repose"? I said, "Yes; I am familiar with Coke, but that was law 1,000 years before my Lord Coke adorned the bench."

Mr. President, before the English conquest of Britain the English people lived in a country now called Schleswig, a district in the heart of the peninsula that separates the Baltic from the northern seas. The dwellers in this particular locality were an outlying fragment of what was called the Engle or English folk, the bulk of whom probably lay in what was later called Lower Hanover and Eastphalia and Westphalia. These Engles in the heart of this peninsula set up their forms of government; they met in the forests, and with their loud and guttural yeas and nays and sometimes by clashing their spears against their shields as a substitute for a viva voce vote they adopted a code of laws.

One of the principles they set into positive law and adopted before Hengist and Horsa landed on the island of Thanet in A. D. 449 was the constitutional provision that "a man's house was his castle," and that he was and ought to be secure and free therein from unreasonable searches and seizures. So we perceive that when the Angles came over from Jutland under the leadership of Hengist and Horsa and landed on the island of Thanet they brought with them those English fundamentals as to the liberty of the citizen or subject, and they planted them deep and strong in the island of Britain.

When we talk, therefore, of English history we must remember that English history begins with the landing of Hengist's war band in the year I have above mentioned. These warriors, under the leadership of Hengist, were drawn somewhat from the Jutes, as well as from the Angles. When English history began, therefore, there was already established freedom from unreasonable seizures and searches. The years glided into the centuries, and this provision, amongst many others guaranteeing personal freedom from the encroachments of tyranny, was observed by practically all reigning monarchs until King John so outraged and violated the laws and constitution of his country that there occurred his famous quarrel with his barons and he took refuge on the bank of a little stream called Runnymede; with himself on one side of the stream and his barons on the other they framed a treaty or charter known to history as Magna Charta, signed by King John, June 15, 1215, on a small island in the middle of the stream.

But, say the pundits, Magna Charta says nothing about freedom from unreasonable seizure and search; Magna Charta says nothing about requiring warrants to be issued before a citizen's home is searched. Let us examine this statement and see how much thereof is true.

The original and individual articles of Magna Charta, as they were prepared and offered seriatim, were written in Latin, but when the entire charter was adopted and engrossed and was ready for the king's signature, it was written in Norman-French, and we must read it in the light of what its words meant 715 years ago.

I will ask Senators to bear with me while I read paragraph 24 of Magna Charta:

> No sheriff, constable, coroner, or other our bailiffs shall hold "Pleas of the Crown."

We must view that language in the light of what it then meant, and it meant at that time that sheriffs and coroners and constables, bailiffs, and king's minions had been in the habit of going to the thatched cottage of the peasant and to the castle of the baron, and there these officers and king's minions would invade that cottage or castle and hold court; these officers and minions would command that the house-

holder open the strong box, the larder, or the pantry; they would pry open the chest in which he kept his relics, his heirlooms, his private papers, and his title deeds and muniments showing his right to possession to his lands; the penalties which these officers, sheriffs, bailiffs, and king's minions inflicted were degrading and painful and were contrary to law.

Section 24 of Magna Charta denounced that conduct, and the king agreed that his sheriffs and constables and coroners should never thereafter hold court.

Some years after the granting of the great charter a doubt arose as to the precise meaning of some of its sections, although it was pointed out by the lawyers of the day—and the only lawyers of that day were ecclesiasts—that the guaranties in Magna Charta were sufficient to secure the liberty of freemen; nevertheless, in the reign of Edward I, in 1297, the Confirmatio Chartarum was promulgated. I will read a comment thereon from John Fiske's Civil Government in the United States:

> The words of this important document, from Professor Stubbs' translation, are given as the best explanation of the constitutional position and importance of the charters of John and Henry III. * * * This is far the most important of the numerous ratifications of the great charter. Hallam calls it "that famous statute, inadequately denominated the confirmation of the charters, because it added another pillar to our constitution, not less important than the Great Charter itself." It solemnly confirmed the two charters, the Charter of the Forest (issued by Henry III in 1217; see text in Stubbs, p. 338) being then considered as of equal importance with Magna Charta itself, establishing them in all points as the law of the land; but it did more. "Hitherto the king's prerogative of levying money by name of tallage or prise from his towns and tenants in demesne had passed unquestioned. Some impositions, that especially on the export of wool, affected all the king's subjects. It was now the moment to enfranchise the people and give that security to private property which Magna Charta had given to personal liberty."

The Great Charter signed in 1215 and the Confirmatio Chartarum which was signed in 1297 are in pari materia and must be read together; the one dealt particularly with the citizen's personal liberty and the other dealt especially with his property rights. No man since that time has succeeded in the English-speaking world, or wherever it has been pretended there was a government of law instead of men, in questioning the rights of freemen set out in these two documents.

The leading English case on this subject is that of Entick against Carrington and Three Other King's Messengers, reported at length in Howell's State Trials. In this case officers of the law had broken in and seized books and papers belonging to the plaintiff under color of a warrant issued by the secretary of state. Action was brought for trespass against the officers making the seizure. The defendants attempted to justify under the warrant. It was conceded that such warrants had been issued for many years and executed without question. The case was argued before a full bench, and Lord Camden, at the Michaelmas term in 1765, delivered the decision holding that such a seizure could not be justified except by a warrant issued by a court upon proper proof, and that even on a warrant issued by the secretary of state it was utterly in violation of the English common law.

This was, therefore, the law of England when our Federal convention met in 1787 to form the Constitution of the United States.

It was understood by all the Colonies to be the law.

The makers of our Federal Constitution and the framers of the first 10 amendments were never tired of quoting the immortal words of the elder Pitt, used in his speech on The Excise:

> The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter; the rain may enter—but the King of England can not enter. All his forces dare not cross the threshold of the ruined tenement.

It is common knowledge that the framers of the Federal Constitution encountered many practical difficulties in writing a Constitution that would be acceptable to the majority of the Colonies. Hence it was widely believed that amendments would frequently be resorted to as time and march of events required. Virginia, along with New York, Massachusetts, and Pennsylvania, at that time was a pivotal State, and when the Federal Constitution was considered at the Virginia convention called to pass upon ratification of the Federal Constitution that eagle of oratory, that premier of statesmen, Patrick Henry, was in the Virginia convention, and he challenged Washington's views; he challenged James Madison, he of the superb intellect; he challenged the Wythes, the Pendletons, and the Innesses, and all that splendid galaxy of scholars and statesmen who enriched the annals not only of Virginia but all America, and he demanded to know why a bill of rights guaranteeing the privileges and immunities of the citizen had been omitted from the Federal Constitution. The Virginia State convention, after a prolonged debate, was only able to ratify the Constitution by a majority of 10 votes, so ably did Patrick Henry argue against it because it did not contain the bill of rights which Englishmen brought over from Jutland to the island of Thanet in 449, which they affirmed in 1215, in 1297, in 1689, and which Lord Camden declared so eloquently.

James Madison, later President of the United States, pledged his word that at the earliest opportunity he would use his energy toward immediately placing into the Federal Constitution the requisite amendments guaranteeing the citizens' rights, privileges, and immunities, and as soon as the Virginia convention had finished the work of ratification it adopted resolutions expressing its desire for the amendments, the bill of rights, demanded by Patrick Henry. These resolutions were forwarded to the governors of the various States, and as far as men could be bound in faith and honor, as far as men could be bound in statesmanship and in politics the amendments guaranteeing the citizen's individual rights and his liberties were by common consent agreed to, and it was understood everywhere that these amendments would be proposed to the States by the first Congress.

The first bill to be considered by the newly organized Congress of the United States, of course, was a bill to raise revenue, to get something into the Treasury to pay the expenses of the Government; but on July 21 James Madison, who was a Member of the House, arose and asked that these amendments be considered. Why was not this superb intellect sent to the Senate? The reason is that he had voted to ratify the Constitution without the bill of rights, and Patrick Henry resorted to the unusual circumstance of bringing out two candidates for the Senate against Mr. Madison, to wit, Mr. Grayson and Richard Henry Lee; thus Madison was defeated for the Senate, but he came to the House of Representatives, and on the 21st day of July, 1789, he arose and "begged the House to indulge him in further consideration of amendments to the Constitution," and he pointed out that the faith and honor of Congress were pledged; that the faith and honor of public men everywhere were pledged to amendments securing to the citizens such guaranties as were comprehended within the first 10 amendments.

Twelve amendments were then proposed to the States, and 10 of them, including the fourth and fifth, were ratified within 2 years and 15 days. Thereafter, as far as Americans are concerned, and as far as the Constitution itself is concerned, they were and are a part and parcel of the original Constitution, as much so as if they were signed on the 17th of September, 1787, when the main instrument itself was signed.

In the case of Boyd *v.* The United States (116 U. S. 616), the opinion by Mr. Justice Bradley reviewed Lord Camden's opinion and gave a history of the fourth and fifth amendments.

I read from the syllabus:

> It does not require actual entry upon premises and search for and seizure of papers to constitute an unreasonable search and seizure within the meaning of the fourth amendment; a compulsory production of a party's private books and papers to be used later against himself or his property in a criminal or penal proceeding or for forfeiture is within the spirit and meaning of the amendment.
>
> It is equivalent to a compulsory production of papers to make nonproduction of them a confession of the allegations which it is pretended they will prove.

I call attention to the case of Gouled *v.* United States (255 U. S. 298–307). In that case a man was suspected of illegal acts, which concerned his loyalty. Under such circumstances the temptation to obtain evidence by any means was great. Likewise the temptation to a court to sustain the legality of the seizure was great. Officers of the United States Army succeeded in placing a man in the defendant's establishment who purloined certain of his papers.

The court states:

It was objected on the trial, and is here insisted upon, that it was error to admit these papers in evidence, because possession of them was obtained by violating the rights secured to the defendant by the fourth and fifth amendments to the Constitution of the United States. The fourth amendment reads:

"The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and persons or things to be seized."

The part of the fifth amendment here involved reads:

"No person * * * shall be compelled in any criminal case to be a witness against himself."

The court comments:

It would not be possible to add to the emphasis with which the framers of our Constitution and this court in Boyd *v.* United States (116 U. S.), The Silver Thorn Lumber Co. *v.* United States (251 U. S.), Weeks *v.* United States (and various other cases cited), have declared the importance to political liberty and to the welfare of our country of the due observance of the rights guaranteed under the Constitution by these two amendments.

The effect of the decision cited is: That such rights are declared to be indispensable to the "full enjoyment of personal security, personal liberty, and private property"; that they are to be regarded as of the very essence of constitutional liberty; and that the guaranty of them is as important and as imperative as are the guaranties of the other fundamental rights of the individual citizen—the right to trial by jury, to the writ of habeas corpus, and to due process of law. It has been repeatedly decided that these amendments should receive a liberal construction so as to prevent stealthy encroachments upon or "gradual depreciation" of the rights secured by them, by imperceptible practice of courts, or by well-intentioned but mistakenly overzealous executive officers.

The Wickersham report has been derided by the wets and derided and villified by the drys; the drys say the report is all things to all men, and the wets say it is everything to every man; it has been characterized by a wag as one step forward, two steps back, and then a side-step—but notwithstanding all these ironical and sarcastic references, there is one sentence in the Wickersham report upon which all Americans I believe, will agree, to wit, in its conclusions:

The commission is opposed to legislation allowing more latitude for Federal searches and seizures.

The Supreme Court of the United States recently handed down an opinion on this subject: I read from the case of Go-Bart Importing Co. against United States, decided January 5, 1931. Mr. Justice Butler delivered the opinion of the court. He says:

* * * * * * *

No question is here raised as to the search of the persons. There remains for consideration the question whether the search of the premises, the seizure of the papers therefrom, and their retention for use as evidence may be sustained. The first clause of the fourth amendment declares: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated." It is general and forbids every search that is unreasonable; it protects all, those suspected or known to be offenders as well as the innocent, and unquestionably extends to the premises where the search was made and the papers taken. (Gouled *v.* United States, 255 U. S. 298, 307.) The second clause declares: "and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized." This prevents the issue of warrants on loose, vague, or doubtful bases of fact. It emphasizes the purpose to protect against all general searches. Since before the creation of our Government such searches have been deemed obnoxious to fundamental principles of liberty. They are denounced in the constitutions or statutes of every State in the Union. (Agnello *v.* United States, 269 U. S. 20, 33.) The need of protection against them is attested alike by history and present conditions. The amendment is to be liberally construed and all owe the duty of vigilance for its effective enforcement lest there shall be impairment of the rights for the protection of which it was adopted. (Boyd *v.* United States, 116 U. S. 616, 623; Weeks *v.* United States, supra, 389–392.)

There is no formula for the determination of reasonableness. Each case is to be decided on its own facts and circumstances. It is not, and could not be, claimed that the officers saw conspiracy being committed. And there is no suggestion that Gowen or Bartels was committing crime when arrested. In April, 1929, Braidwood reported to Calhoun the existence of a conspiracy and that in pursuance of it sales and deliveries of intoxicating liquor had been made in 1927 and 1928. The record does not show any criminal overt act in 1929. Calhoun's description to O'Brien of the company's office in detail and of Gowen and Bartels shows that he knew the place and offenders. Notwithstanding he had an abundance of information and time to swear out a valid warrant, he failed to do so. O'Brien falsely claimed to have a warrant for the search of the premises, and he made the arrests under color of the invalid warrant. By pretension of right, and threat of force, he compelled Gowen to open the desk and the safe, and with the others made a general and apparently unlimited search, ransacking the desk, safe, filing cases, and other parts of the office. It was a lawless invasion of the premises and a general exploratory search in the hope that evidence of crime might be found. (Federal Trade Commission *v.* American Tobacco Co., 264 U. S. 298, 306.)

Plainly the case before us is essentially different from Marron *v.* United States (275 U. S. 192). There, officers executing a valid search warrant for intoxicating liquors, found and arrested one Birdsall, who, in pursuance of a conspiracy, was actually engaged in running a saloon. As an incident to the arrest they seized a ledger in a closet where the liquor or some of it was kept, and some bills beside the cash register. These things were visible and accessible, and in the offender's immediate custody. There was no threat of force or general search or rummaging of the place.

The uncontradicted evidence requires a finding that here the search of the premises was unreasonable. Silverthorne Lumber Co. *v.* United States, supra. Marron *v.* United States, supra, 199. United States *v.* Kirschenblatt (16 F. (2d) 202). The judgments below must be reversed and the case remanded to the district court with directions to enjoin the United States attorney and the special agent in charge from using the papers as evidence and to order the same returned to petitioners.

Reversed.

Mr. SHIPSTEAD. Mr. President, I have not been able to be in attendance during the last week while this bill was being discussed. Not for the purpose of showing my ignorance but for information, I would like to ask some questions relative to the bill.

I find on page 2, in section 3, this language:

SEC. 3. That any person who shall, in the District of Columbia, in any street, public road, alley, or in any public place or building or in or upon any street car, or other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting station, drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated in any street, alley, public road, or in any railroad passenger train, street car, or any public place or building, or at any public gathering, or if any person shall be drunk or intoxicated and shall disturb the peace of any person anywhere, he shall be guilty of a misdemeanor, etc.

Am I right in believing that this is put into this piece of legislation because those things are not crimes now?

Mr. HOWELL. That is the law in the District of Columbia now. This section 3 in the pending bill is section 11 of the Sheppard Act, which is now in effect. This bill repeals the Sheppard Act, and hence it was necessary to introduce section 11 of the Sheppard Act as section 3 of the pending bill.

Mr. SHIPSTEAD. The Senator has recopied the Volstead Act or the Sheppard Act?

Mr. HOWELL. The Sheppard Act. The Sheppard Act was a local police regulation in this city governing liquor, and it was in effect from 1917 until 1920, and part of it, it is assumed, was repealed by the national prohibition act; but this section 11 of the Sheppard Act was not affected by the national prohibition act, and is now in effect. However, it is proposed by this bill to repeal the whole Sheppard Act, and to take those portions of it which are still in effect and which should remain in effect and place them in this bill.

Mr. SHIPSTEAD. If this bill should not become a law, it would still be a crime to be drunk and create a disturbance, would it not?

Mr. HOWELL. Yes.

Mr. SHIPSTEAD. So this part of the bill does not change existing law?

Mr. HOWELL. It does not change existing law.

Mr. SHIPSTEAD. I would like to have the Senator, if he can, in as short a time as possible, explain where this measure changes existing law.

Mr. HOWELL. Section 4 is practically identical with section 20 of the Sheppard Act.

Mr. SHIPSTEAD. And that is not a change of existing law.

Mr. HOWELL. No; it does not change existing law.

Mr. SHIPSTEAD. Does section 5 change existing law?

Mr. HOWELL. It changes the existing law to this extent: Following the word "act" in line 10, page 3, if we should insert the words "after being notified in writing of such use," it would be identical with the Sheppard Act, the law which is in effect now; but that language was cut out.

Mr. SHIPSTEAD. What about section 6; does that change existing law?

Mr. HOWELL. Section 6 is a new provision, making it the duty of the Commissioners of the District of Columbia to enforce the prohibition law in the District of Columbia. Now they have no legal obligation to do so.

Mr. SHIPSTEAD. Under existing law who enforces the national prohibition act in the District of Columbia?

Mr. HOWELL. The Prohibition Unit and 38 out of the 1,300 police officers, who have been commissioned as prohibition officers.

Mr. SHIPSTEAD. Does the Senator mean to say that the Police Department of the District of Columbia now, under existing law, as peace officers, have no obligation to enforce the law?

Mr. HOWELL. Ninety-seven per cent of them have no obligation to do so; that is, 1,262 of the 1,300 police officers have no obligation to enforce the present prohibition law in the District of Columbia, except to arrest a drunken motorist or a drunken pedestrian.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Minnesota yield to me?

Mr. SHIPSTEAD. I yield.

Mr. WALSH of Massachusetts. Does not the Senator mean that there are a limited number of police officers who are assigned to the exclusive work of the liquor squad, but that every police officer in the District of Columbia must enforce this law the same as every other law?

Mr. HOWELL. No.

Mr. WALSH of Massachusetts. Does the Senator understand that a police officer seeing violations of the liquor law on his beat has not an obligation to report to his superior, and to proceed to prosecute?

Mr. HOWELL. Under the conditions as they exist here now, there are 38 police officers who have been commissioned——

Mr. WALSH of Massachusetts. In the liquor squad, a special squad.

Mr. HOWELL. They have been commissioned as Federal prohibition agents; but outside of that, 1,262 policemen here have no duties in connection with prohibition in this District except to apprehend drunken motorists or drunken pedestrians.

Mr. WALSH of Massachusetts. I think the Senator is seriously mistaken about that. Every police officer must report violations of this law, the same as of every other law; in other words, there is no order sent out to police officers of this District that they are to have nothing to do with violations of the prohibition law. That is what the Senator is saying.

Mr. HOWELL. It is a remarkable fact, notwithstanding the Senator's incredulity, that that is the situation here in the District of Columbia, and that is one of the reasons for the conditions here in the District of Columbia.

Mr. WALSH of Massachusetts. I wish the Senator would make further inquiry about that matter. I am sure he will come to the conviction that a police officer must report violations of this law the same as of every other law, and that there are only a limited number, like the suicide squad and the larceny squad, assigned to particular violations of law.

Mr. HOWELL. The facts, as nearly as I have been able to gather, are as I have stated.

Mr. SHIPSTEAD. Mr. President, will the Senator answer another question?

Mr. HOWELL. Certainly.

Mr. SHIPSTEAD. I admit my unfamiliarity with the laws of the District of Columbia. I was under the impression that Federal laws apply to the District of Columbia as they apply in any other part of the United States.

Mr. HOWELL. They do. The national prohibition act applies here.

Mr. SHIPSTEAD. I was under the impression that when a police officer is sworn in, when he takes his oath of office, he automatically becomes an officer to enforce the laws which cover the District of Columbia, which, as I understand, are the national laws, laws enacted by Congress, including the Volstead Act, and other prohibition laws enacted by Congress.

Mr. HOWELL. They have no more duty respecting the enforcement of the national prohibition act than do the policemen in the city of Minneapolis. The policemen in the Senator's city give their attention to the local laws. The national prohibition act is generally enforced by the Prohibition Unit, and in all of our cities in the country it is largely the same. If what the Senator suggests were true, there would be a feeling of some obligation upon the part of policemen in New York City to enforce prohibition laws, but, as the Senator is aware, there is no such feeling.

Mr. SHIPSTEAD. Does not a police officer in the District of Columbia take an oath to support the Constitution of the United States?

Mr. HOWELL. He does.

Mr. SHIPSTEAD. And all legislation enacted pursuant to it?

Mr. HOWELL. He takes the regular and formal oath, just as a policeman does in the Senator's city.

Mr. SHIPSTEAD. Then how can the Senator say he has no obligation to enforce the law?

Mr. HOWELL. He has no legal obligation that is in effect binding, and, as I have said, the duties of the policemen connected with the enforcement of the prohibition law in the District of Columbia have been limited to arresting drunken pedestrians and drunken drivers.

Mr. SHIPSTEAD. Is that due to lack of legislation, or is it due to administration of the police force?

Mr. HOWELL. Lack of legislation. We have no local laws respecting liquor here in the District of Columbia, except several sections of the Sheppard Act which were not repealed by implication by the national prohibition act.

Mr. SHIPSTEAD. Does the Senator mean to say that the Volstead Act is not stringent enough?

Mr. HOWELL. The Volstead Act was designed to supplement local police laws in connection with liquor violations. But wherever local laws have been repealed, the difficulties of enforcing prohibition have been tremendously increased. They have been repealed in five political subdivision of the United States, and the District of Columbia is one of them. It is not against the law to ply a minor with liquor in this city. In the Senator's State, in the city of Minneapolis, there is a special punishment for such an offense as that. But children here can be given liquor without limit.

Mr. SHIPSTEAD. Is it not against the law to be in possession of liquor in the District of Columbia?

Mr. HOWELL. No; I doubt whether it is against the law. The United States district attorney told me that he would not prosecute a man for the possession of a pint of liquor.

Mr. SHIPSTEAD. But what is the law?

Mr. HOWELL. The Senator will find the law in the national prohibition act.

Mr. SHIPSTEAD. I was under the impression that the national prohibition act prohibited the transportation, sale, or manufacture of liquor in the District of Columbia, the same as in other parts of the United States. What I am trying to find out is whether the Senator is right when he says there is no legislation to cover the matter; or is he finding fault with the administration of the law and blaming the conditions upon the administration of the law?

The Senator from Massachusetts hands me the national prohibition act, section 3 of which provides:

> No person shall on or after the date when the eighteenth amendment to the Constitution of the United States goes into effect, manufacture, sell, barter, transport, import, export, deliver, furnish or possess any intoxicating liquor, except as authorized in

this act, and all the provisions of this act shall be liberally construed to the end that the use of intoxicating liquor as a beverage may be prevented.

Mr. HOWELL. Yes.

Mr. SHIPSTEAD. Does the Senator mean to say that that does not apply to the District of Columbia?

Mr. HOWELL. It applies to the District of Columbia just the same as it applies to any political subdivision of the United States.

Mr. SHIPSTEAD. Does the Senator mean to say that there is no obligation on the police officers of the District of Columbia to enforce this law?

Mr. HOWELL. No; there are no local laws here respecting the enforcement of prohibition. There are 38 police officers who are detailed and sworn in as national prohibition officers, and they are the ones who devote themselves to the enforcement of prohibition; but so far as the other officers are concerned, it was testified that their duties were limited.

Mr. SHIPSTEAD. Limited by law or by their superior officers?

Mr. HOWELL. Limited by the rules and regulations of the District of Columbia, I presume.

Mr. SHIPSTEAD. But we are asked here to make laws, and I want to know whether the Senator is right when he says there is no legislation now to take care of the conditions about which he complains, and he says there is none.

Mr. HOWELL. I only know this, that the Attorney General, in drawing this bill, provided that it shall be the duty of the Commissioners of the District of Columbia and of all policemen here to enforce the law, and the purpose of that provision was not simply to repeat what was already effective.

Mr. SHIPSTEAD. Does the Senator mean to quote the Attorney General of the United States as saying that that is not their duty now?

Mr. HOWELL. I did not ask him that particular question. I am not quoting the Attorney General, so far as that is concerned. I am calling attention to the fact that this is a bill drawn by the Attorney General, and he has made it specifically the duty of the Commissioners of the District of Columbia and every policeman in the District of Columbia to enforce this law.

Mr. SHIPSTEAD. Mr. President, I voted to recommit the bill because I am out of sympathy with the program of the steering committee of the Senate in bringing four measures in here as the program of the majority for the few remaining days of the short session of Congress. It is a strange paradox, when we are suffering from a world depression, when there are millions of people out of work, when the banks of the country are loaded with second, third, and fourth class bonds which they can not get rid of and which are of very doubtful value, when business and agriculture is suffering not only in the United States but all over the world due to causes that responsible economists of the world have said are the result of policies that could have been avoided and that unless legislation of a remedial character is enacted and soon the depression is going to continue and will increase in violence, that the people who sit idly by and wait for the low discount rate in a call market in New York to stimulate business are going to be sadly disappointed.

There is a depression affecting the United States, a part of the world depression of such a nature that Mr. Darling, who for many years was general manager of the greatest bank in England, excepting only the Bank of England, says that unless something is done by the rulers of the various countries to make it possible for the people to pay their debts, these people who have been induced to go in debt so heavily that they can not pay their debts on account of the low price level, unless the rulers of the world enact legislation to make it possible for these people to meet the economic situation we will face wholesale repudiation of debts and an industrial revolution.

Mr. Keynes, the best-known economist writing in the English language, has just written a work of two volumes in which he said that unless remedial legislation is enacted, not only in the United States but in other countries, there will be only one recourse for the business men and the industrialists of the world, and that will be to make a violent assault upon the money income of the factors of production. That is something we have done here in the United States for several years. We have been attacking through legislation the factors of production, labor, and agriculture for the benefit of industry. He said if that is done we are engaging upon a dangerous enterprise in a country that is both a democracy and capitalistic; and if that is done he warns that our rugged individualistic capitalism will be bound to give way to a far-reaching socialism.

In view of the economic thought of the world, the analysis of the causes of the depression and the cry to the rulers of the world that we must enact legislation to meet this depression and to remedy the faults and the causes that have brought it about, I can not understand why the steering committee should bring in these four measures as a contribution of the United States to the world's list of remedies, four measures as our contribution to relieve world depression.

These measures are:

First is a prohibition bill for the District of Columbia.

Second is a bill providing increased pensions for soldiers and widows of soldiers of the Civil War. The veterans are getting $75 to $90 a month. Their widows are getting $30 to $50 a month now. Perhaps they should have more. But I can not look upon it as legislation to meet the great emergency of world depression.

Third is a bill providing shorter hours for postal employees. Possibly they are entitled to it, but I can not see how that can be considered necessary emergency legislation in this hour.

Fourth is a bill proposing liberty or independence for the Filipinos.

I can not believe that the steering committee in good faith could believe that any of these measures would be passed in view of the many appropriation bills which still have to be considered in the last few days of the session. If the steering committee had faith that these bills could be passed, I want to protest against the efficacy of such measures at this time. I have refrained from taking the time of the Senate in making speeches because I did not want to put myself in the position of appearing to filibuster in favor of an extra session. I can not see how an extra session under present circumstances can do the country any good, because when the era of cooperation was initiated between the Republican and the Democratic parties it evidently did not include cooperation on the part of the Chief Executive of the country. When that cooperation is obtained for a constructive program, a special session can be of great benefit to the country.

Mr. GOFF. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from West Virginia?

Mr. SHIPSTEAD. I yield.

Mr. GOFF. I wish to call to the Senator's attention—and I do this because I am chairman of the steering committee—the fact that while all the bills to which he takes exception have been placed upon the program, they are placed there subject to the understanding that all of the suggestions are subordinate to appropriation bills, conference reports, and executive business. Therefore, obviously it follows that any appropriation bill or any measure partaking of such a character has precedence over any of the four suggested bills that are on the program submitted by the steering committee.

I am informed that the reason why appropriation bills are not being considered to-day is because they were not reported in time on Saturday last, and that several of those in charge of the bills are confined to their homes to-day by illness. The suggested program could not and would not interfere with any measure that would relieve or tend to relieve the world-wide depression. I quite agree with the Senator that nothing should be interposed that would in any way interfere with bringing about a solution of the great

problems which face not only this country but the world. I wish that the Senator, when he is referring to this suggestive program, would understand that it was not the purpose of the committee in any way to interfere with or retard either the presentation or consideration of any bill of an appropriation character or nature.

Mr. SHIPSTEAD. Of course, I am aware that what the Senator says is true, that appropriation bills have the right of way over the legislative program proposed by the steering committee. I repeat what I have already said, that the measures proposed by the steering committee are relatively unimportant at the present time, in my opinion. The Senator may disagree with me. When the steering committee bring a program before the Senate, I have always assumed that they brought that program forward because they thought included in the program were the most important measures that in their opinion were to be considered by the Senate. I can not believe that the steering committee would bring to us a program that they did not think was of some importance and of paramount importance at the time the program is presented to the Senate.

Mr. GOFF. Let me say to the Senator that the steering committee, of course, placed these bills upon the suggestive program after hearing the proponents of the bills and those who were interested in them and after giving a hearing to every Senator who was in any way concerned with the immediate or prompt consideration of any of the bills. Certain of them were placed upon the program because of promises several weeks ago made expressly and impliedly to those having the bills in charge. The Senator from Nebraska [Mr. HOWELL] appeared before the committee and argued for the consideration of his bill. He had been delayed for some time in having his bill placed upon the program for consideration. The same was true of the bill providing a shorter work week for the postal employees, and the bill providing for the granting of pensions to Civil War veterans and their widows.

The same is true also, although an exception has been taken to it, as to the placing of the Filipino independence bill upon the program. The chairman of the Committee on Territories and Insular Affairs—and I am a member of the committee myself—made a protest when the bill was placed upon the program, but the RECORD of a short time ago shows that he rose in his place upon the floor of the Senate and said that he wanted the bill to be reported out and considered at the earliest possible opportunity and that he had promised those who were interested in the bill that it should receive fair and impartial treatment as far as the committee was concerned.

These are some of the reasons which actuated the committee in making up the tentative or suggestive program.

Mr. SHIPSTEAD. Let me say to the Senator that I do not want to question the motives or good intentions of the steering committee. I felt that I ought to say, in view of the present situation confronting the country and the world, that I would prefer to have seen a program presented by the steering committee which would be of greater importance to meet the emergency. So far as any emergency legislation is concerned, so far as we have gone now, and so far as we apparently can go, we have done nothing.

The program of the steering committee and the administration reminds me of a story that was told at a time when we had a great conflagration in my State, when millions of dollars worth of property was being destroyed by fire and hundreds of lives lost. A call was sent out for help all over the country for people to come and fight the conflagation. One day a man was noticed running along the road with a little atomizer in his hand—a small container that is used to spray a sore throat. It was full of liquid. Somebody stopped and asked him what in the world he was going to do with it. He said: "I am going to try to do what I can to put out this fire in northern Minnesota. I may not be able to do very much, but I think I am taking a step in the right direction." [Laughter.]

Mr. GOFF. Does not the Senator really feel that it is the Senate and not the steering committee that he should have criticized, because the Senate approved of the program by voting to take up the District of Columbia prohibition bill?

TRANSFER TO MOTOR LEAGUE OF LANDS IN LOUISIANA

Mr. BROUSSARD. Mr. President, I am unable to attend the session this evening, when there will be a call of the calendar. There is a bill upon the calendar in which I am interested, which will be reached very early. I ask unanimous consent that it may be considered at this time.

Mr. MCNARY. Let the title of the bill be reported.

The PRESIDENT pro tempore. The bill will be reported by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 4537) to relinquish all right, title, and interest of the United States in certain lands in the State of Louisiana.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 2, line 2, before the word "may," to strike out "it" and to insert "said league," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to execute in favor of the Motor League of Louisiana a quitclaim deed of all right, title, and interest of the United States in and to a certain tract of land containing 16.03 acres at Chef Menteur, in the parish of Orleans, State of Louisiana, upon which is situated the ruins of Fort Macomb. Such quitclaim deed shall contain an express condition that the Motor League of Louisiana shall make no claim against the United States for any sum or sums said league may have paid to the State of Louisiana or to any person on account of said lands.

Mr. BROUSSARD. Mr. President, at the time the bill was introduced in the Senate a similar bill was introduced in the House. The War Department approved the bill. The appropriate committee of each House approved the bill, except that the House has gone a little further and an amendment to the bill has been reported there. I understand the situation in the House is such that I had better accept that amendment now and have it go over to the House. I ask the clerk to read the amendment which is proposed. It is intended to safeguard the Government of the United States.

The PRESIDENT pro tempore. The bill has been reported to the Senate with an amendment.

Mr. BROUSSARD. Yes; I desire that the Senate disagree to the Senate committee amendment and to substitute the House committee amendment in lieu thereof.

The PRESIDENT pro tempore. In the absence of objection, the Senate committee amendment will be disagreed to. The amendment proposed by the Senator from Louisiana will be stated.

The LEGISLATIVE CLERK. On page 1, line 9, after the name "Fort Macomb," it is proposed to strike out "Such quitclaim deed shall contain an express condition that the Motor League of Louisiana shall make no claim against the United States for any sum or sums it may have paid to the State of Louisiana or to any person on account of said lands" and in lieu thereof to insert:

Such quitclaim deed shall be in full and complete accord and satisfaction of any and all matters that are or may be in dispute and shall be upon the express condition that neither the Motor League of Louisiana nor any of its successors or assigns in title shall make any claim against the United States for any sum or sums of money the said Motor League of Louisiana may have paid to the State of Louisiana, or to any other person or persons, corporation, or association on account of and in consideration of said lands and upon the further express condition that the said Motor League of Louisiana, its successors and assigns in title, shall be bound to indemnify and hold harmless the United States against any and all claims that may at any time be made against the United States by any person whatsoever or any corporation or association of persons on account of any sum or sums of money that the United States may have received from the State of Louisiana as the purchase money for said land.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Louisiana.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROHIBITION ENFORCEMENT IN THE DISTRICT OF COLUMBIA

Mr. HAWES. Mr. President, will the Senator from Oregon yield to me?

Mr. McNARY. I yield.

Mr. HAWES. Mr. President, it will be impossible for me to attend the night session, and I understand the Senate is about to take a recess. I ask permission therefore at this time to give notice of an amendment which I desire to offer to the pending bill.

One frequently hears it said in Missouri, Mr. President, that a blind hog finds an acorn. I offer this amendment because the $500,000 law enforcement commission, which recently submitted its report, has found one acorn at least, and that was a recommendation that physicians should be protected in their right to exercise their individual judgment in the matter of prescribing for their patients. In order to economize time, I will ask that the statement of the commission may be printed in the RECORD and also a copy of the amendment. I trust that the amendment will not be passed upon in my absence this evening. I should like to discuss it to-morrow.

There being no objection, the statement and amendment were ordered to be printed in the RECORD, as follows:

[From the report of the Wickersham Commission]

We recommend: (1) Abolition of the statutory fixing of the amount which may be prescribed and the number of prescriptions; (2) abolition of the requirement of specifying the ailment for which liquor is prescribed upon a blank to go into the public files of the supervisor of permits, leaving this matter to appear on the physician's own records and accessible to the inspector; (3) leaving as much as possible to regulations rather than fixing details by statute, and reliance upon cooperation of the Bureau of Industrial Alcohol with medical associations, National and State, in the same manner in which the bureau cooperates with distillers and with trade associations; (4) enactment of uniform State laws on this subject, or, in the alternative, repeal of State laws and leaving the whole matter to Federal statutes and regulations.

Amendment intended to be proposed by Mr. HAWES to the bill (S. 3344) supplementing the national prohibition act for the District of Columbia.

On page 11, strike out lines 4 to 14, inclusive, and insert in lieu thereof the following:

"SEC. 15. (a) In the District of Columbia no one but a physician holding a permit to prescribe liquor shall issue any prescription for liquor. And no physician shall prescribe liquor unless after careful physical examination of the person for whose use such prescription is sought, or if such examination is found impracticable, then upon the best information obtainable, he in good faith believes that the use of such liquor as a medicine by such person is necessary and will afford relief to him from some known ailment. No prescription shall be filled more than once. Any pharmacist filling a prescription shall at the time indorse upon it over his own signature the word "canceled," together with the date when the liquor was delivered, and then make the same a part of the record that he is required to keep as herein provided.

"(b) Every physician in the District of Columbia who issues a prescription for liquor shall keep a record, alphabetically arranged in a book prescribed by the Attorney General and the Secretary of the Treasury, which shall show the date of issue, amount prescribed, to whom issued, the purpose or ailment for which it is to be used, and directions for use, stating the amount and frequency of the dose; but no physician shall be called upon to file any statement for the public records of any such ailment or to keep his records in such a way as to lead to the disclosure of any such ailment, except as he may be lawfully required (1) to make such disclosure in any court or in the course of a hearing under authority of section 9, title 2, of the national prohibition act, or (2) to make such disclosure to any duly qualified person engaged in the execution or enforcement of such act or any act supplementary thereto.

"(c) In the District of Columbia only spirituous and vinous liquor may be prescribed for medicinal purposes, and all permits to prescribe and prescriptions for any other liquor shall be void. But this provision shall not be construed to limit the sale of any article the manufacture of which is authorized under section 4, title 2, of the national prohibition act.

"(d) After the effective date of this act, section 7 of the national prohibition act and the first paragraph of section 2 of the act entitled 'An act supplemental to the national prohibition act,' approved November 23, 1921, shall not apply in the District of Columbia."

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

RECESS

Mr. McNARY. Mr. President, I move that the Senate take a recess until 7.30 o'clock this evening.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until 7.30 p. m.

EVENING SESSION

The Senate reassembled at 7 o'clock and 30 minutes p. m.

The PRESIDENT pro tempore. Under the unanimous-consent agreement, and without objection, the Chair will assume that the call of the calendar will begin at the point where we left off at the morning session. The clerk will state the first business on the calendar.

PRICE OF BREAD IN THE DISTRICT OF COLUMBIA

The resolution (S. Res. 362) to investigate the price of bread in the District of Columbia was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I understood from the statement made by the Senator from Kansas [Mr. CAPPER] that some arrangement had been entered into between the District Committee and the Agricultural Committee for the latter to make the investigation.

The PRESIDENT pro tempore. The Chair understands that the investigation is now going on under the Brookhart resolution.

Mr. McNARY. Mr. President, three resolutions have all been referred to a subcommittee of which I was appointed chairman; and I suggest that this resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

FUNDS OF OSAGE INDIANS

The bill (S. 5034) authorizing the use of Osage funds for attorneys' fees and expenses of litigation was announced as next in order.

Mr. FRAZIER. Mr. President, Order of Business 1365, H. R. 13132, is an identical bill. I move to substitute the House bill for the Senate bill, and that the Senate bill then be indefinitely postponed.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bingham | Frazier | La Follette | Reed |
| Blaine | George | McGill | Robinson, Ark. |
| Bratton | Goff | McKellar | Sheppard |
| Capper | Hale | McNary | Thomas, Idaho |
| Carey | Hatfield | Metcalf | Townsend |
| Connally | Hayden | Moses | Trammell |
| Dale | Howell | Norbeck | Walcott |
| Deneen | Johnson | Norris | Walsh, Mont. |
| Fess | Jones | Oddie | Watson |
| Fletcher | Kean | Phipps | |

The PRESIDENT pro tempore. Thirty-nine Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absentees.

The legislative clerk called the names of the absent Senators, and Mr. BROCK and Mr. HARRIS answered to their names when called.

Mr. BARKLEY entered the Chamber and answered to his name.

The PRESIDENT pro tempore. Forty-two Senators having answered to their names, there is not a quorum present.

Mr. McNARY. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms is instructed to request the attendance of absent Senators.

After a little delay Mr. SCHALL, Mr. GLENN, Mr. McMASTER, Mr. WHEELER, Mr. THOMAS of Oklahoma, Mr. BLACK, Mr. SHORTRIDGE, Mr. SHIPSTEAD, Mr. PINE, Mr. DAVIS, Mr. KENDRICK, Mr. WILLIAMSON, Mr. HEFLIN, and Mr. DILL entered the Chamber and answered to their names.

The PRESIDENT pro tempore (at 7 o'clock and 50 minutes p. m.). Fifty-six Senators having answered to their names, a quorum is present. Without objection, the order

given to the Sergeant at Arms to request the presence of a quorum will be vacated.

The question is on agreeing to the motion proposed by the senior Senator from North Dakota [Mr. FRAZIER] for the substitution of Order of Business 1365, House bill 13132, for Order of Business 1241, Senate bill 5034.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 13132) authorizing appropriation of Osage funds for attorneys' fees and expenses of litigation.

Mr. ROBINSON of Arkansas. Mr. President, I would like to have the Senator from North Dakota state whether there are cases already pending to which this bill relates, and the nature of the cases.

Mr. FRAZIER. Mr. President, I understand some cases are pending. This bill is in regard to mineral leases which have gone out of the hands of the Osage Indians. It is a measure the department asked to have introduced and passed, and so far as I know there is no objection from the Osage Indians. Several came before our committee in favor of the measure when it was pending in the committee.

Mr. ROBINSON of Arkansas. I understand the bill contemplates that the Indians themselves, the tribe, shall make the employment, with the approval of the Secretary of the Interior.

Mr. FRAZIER. And they will pay the cost out of their own funds.

Mr. THOMAS of Oklahoma. Mr. President, the Osage Tribe request this legislation. The money is to be paid from their own tribal funds. The bill provides for a fund to be held in reserve for their benefit in the event some oil companies which have leases on Osage lands try to set aside the leases and to operate independently. As I understand, the Osage Tribe requests this legislation.

The PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was read the third time and passed.

The PRESIDENT pro tempore. Senate bill 5034 will be indefinitely postponed.

THE BLACK TOM CASE

Mr. GOFF. Mr. President, I ask that there be printed in the RECORD an editorial from the Washington Post on The Black Tom Case, recently decided by the Mixed Claims Commission against the United States and in favor of Germany.

A petition for a rehearing has been filed and is now pending. The editorial is timely, temperate, and penetratingly incisive in its assertion that certain German documents were suppressed and not presented for consideration. I commend it without hesitation to every patriotic citizen, and particularly do I bespeak its serious consideration by the members of the Mexican and the international bar.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[The Washington Post, January 16, 1931]

THE BLACK TOM CASE

When the German-American Mixed Claims Commission absolved Germany of all guilt in connection with the Black Tom and Kingsland explosions in 1916 and 1917 the country was taken by surprise. Counsel for the United States brought together such a quantity of evidence tending to show that these explosions were a direct result of German sabotage that a decision in favor of this country was generally expected. The commission found the evidence insufficient. But counsel for the United States decline to accept that decision as final. A petition for rehearing in the Black Tom case has been filed, and a similar petition in the Kingsland case is being prepared.

Attorneys who have been closely connected with these two cases pronounce the decisions indefensible. The commission found that German agents had been sent to the United States with instructions to destroy munitions and munitions plants, and that many of them were furnished with incendiary devices for that purpose. It was further established that these agents did engage in sabotage while the United States still maintained its neutrality. In the Kingsland case the German agent who engineered the plot confessed, but the commission refused to believe him because an alleged accomplice would not incriminate himself.

Germany has withheld important documents that would in all probability clear up the points of controversy in both cases. When the United States has been able to prove the contents of a document the German Government has been willing to produce it. But in no instance where the contents could not otherwise be proved has Germany submitted the documents called for. Notes and other valuable documentary evidence have been withheld upon the most flimsy pretexts.

It is obvious that there has not been a fair and unprejudiced hearing of these cases. Apparently the decisions were rendered in an effort to smooth over feelings of hostility that were developed during the war. In view of the circumstances it appears that politics and diplomacy have played too large a part in the decisions of the commission. Instead of relieving hostility toward Germany such a decision fosters it.

A rehearing should be granted and conducted on the basis of fact, including the evidence in German documents that have been withheld.

PENSIONS AND INCREASE OF PENSIONS

Mr. GLENN. Mr. President, this afternoon through a misapprehension I asked that Calendar No. 1227, House bill 13518, go over. I now ask unanimous consent that the order directing that the bill go over be vacated and that the bill be put upon its passage.

The PRESIDENT pro tempore. Is there objection?

Mr. FLETCHER. Mr. President, I think we had better go on in the regular order and we can come back to that bill.

Mr. GLENN. It is a pension bill, for some old veterans of the Civil War.

Mr. FLETCHER. I know; but we passed over a number this morning. Let us go on and finish the calendar.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Illinois.

ACQUISITION OF LAND IN THE DISTRICT OF COLUMBIA

The bill (S. 5029) to amend the act providing for the acquisition of land in the District of Columbia was announced as next in order.

Mr. JOHNSON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. KING subsequently said: Mr. President, if I may have the attention of the Senator from California [Mr. JOHNSON] for a moment, I would like to say that the bill to which he objected is one which the Attorney General is very anxious to secure the passage of. It was reported unanimously by the Committee on the District of Columbia. It permits the Federal Government to go ahead with the condemnation of lands which are imperatively needed for the construction of the Supreme Court Building and other structures, and unless this bill is passed very quickly, a number of buildings will be held up.

Mr. JOHNSON. Mr. President, in response to the Senator, I will say that I have no desire to hold the matter up, but I glanced at the measure very hastily, and it seemed to be a retroactive bill which did not particularly commend itself. So I ask that it go over. I will look at it later and consult with the Senator.

PUBLIC HIGHWAYS ON INDIAN RESERVATIONS

The Senate proceeded to consider the bill (S. 5314) to amend the Federal highway act, which was read, as follows:

*Be it enacted, etc.*, That the Federal highway act approved November 9, 1921 (42 Stat. L. 212), as amended or supplemented, be further amended by inserting after section 3 a new section, to be numbered 3a, and to read as follows:

"SEC. 3a. The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of public highways within Indian reservations and to pay the amount assumed therefor from the funds allotted or apportioned under this act to the State wherein the reservation is located."

SEC. 2. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRANSPORTATION OF SCHOOL CHILDREN IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 12571) to provide for the transportation of school children in the District of Columbia at a reduced fare.

The bill had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and to insert:

That the Public Utilities Commission of the District of Columbia is hereby empowered and directed to fix reduced fares for

school children not over 18 years of age, going to and from school on street railway and bus lines in the District of Columbia, under such reasonable rules and regulations as the commission may establish: *Provided*, That such reduced fares shall not exceed one-half of the corresponding concurrent adult fares.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, I desire to offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. The Senator from Oklahoma proposes to add at the end of the bill the following provisos:

*Provided further*, That one fare paid by any student shall be sufficient to secure transportation to or from school, regardless of whether such student has to transfer from one car system to another, from one bus line to another, or from street car to bus or from bus to street car: *And provided further*, That any student who submits proof of inability to pay the rate of fare prescribed shall be by the Board of Education provided with transportation without cost: *And provided further*, That the Board of Education is hereby authorized to use such funds of the school system as may be necessary to carry these provisos into effect.

Mr. KING. Mr. President, I ask the chairman of the Committee on the District of Columbia, the Senator from Kansas [Mr. CAPPER], if the first provision of the amendment submitted by the Senator from Oklahoma was not fully canvassed by the committee when the representatives of the Public Utilities Commission and the railroads were present; if they did not feel that there were insuperable objections to making this bill applicable to busses; and if the committee did not accept the views of those who were before the committee? I am afraid this amendment would delay the passage of the bill.

Mr. CAPPER. The Senator is correct. A hearing lasting about three days was held; and the proposals which have just been submitted by the Senator from Oklahoma were, in one form or another, considered by the committee. Finally the committee, after very careful consideration, decided to report the bill in its present form.

Mr. METCALF. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

NATIONAL-PARK APPROACHES

The bill (S. 3073) to amend the act of April 9, 1924, so as to provide for national-park approaches was announced as next in order.

Mr. WALSH of Montana. Mr. President, I ask that calendar No. 1413, the bill (H. R. 12404) to amend the act of April 9, 1924, so as to provide for national-park approaches, be substituted for the Senate bill.

The PRESIDENT pro tempore. Without objection, the substitution will be made, and the House bill is before the Senate.

The Senate proceeded to consider the bill (H. R. 12404) to amend the act of April 9, 1924, so as to provide for national-park approaches, which had been reported from the Committee on Public Lands and Surveys, with amendments, on page 2, line 22, before the word "improve," to insert the word "and," and after the word "improve" to strike out the comma and the words "and maintain," so as to make the bill read:

*Be it enacted, etc.*, That the act entitled "An act authorizing the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior" (43 Stat. 90; U. S. C., title 16, p. 390, sec. 8), approved April 9, 1924, is hereby amended by adding the following:

"SEC. 4. Whenever the Secretary of the Interior shall determine it to be in the public interest he may designate as national-park approach roads and as supplementary parts of the highway systems of any of the national-park roads whose primary value is to carry national-park travel and which lead across lands wholly or to the extent of 90 per cent owned by the Government of the United States and which will connect the highways within a national park with a convenient point on or leading to the Federal 7 per cent highway system: *Provided*, That such approach roads so designated shall be limited to not to exceed 60 miles in length between a park gateway and such point on or leading to the nearest convenient 7 per cent system roads; or, if such approach road is on the 7 per cent system, it shall be limited to not to exceed 30 miles: *Provided further*, That not to exceed 40 miles of any one approach road shall be designated in any one county.

"SEC. 5. The Secretary of the Interior is hereby authorized, during the fiscal years 1932 and 1933, to construct, reconstruct, and improve such national-park approach roads so designated, inclusive of necessary bridges, and to enter into agreements for the maintenance thereof by State or county authorities, or to maintain them when otherwise necessary, as well as hereafter to construct, reconstruct, and improve roads and trails within the national parks and national monuments; and for all such purposes there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums: $7,500,000 for the fiscal year ending June 30, 1932; the sum of $7,500,000 for the fiscal year ending June 30, 1933: *Provided*, That under agreement with the Secretary of the Interior the Secretary of Agriculture may carry out any or all of the provisions of this section: *Provided further*, That not to exceed $1,500,000 shall be allocated annually for the construction, reconstruction, and improvement of such national-park approach roads: *And provided further*, That nothing in this act shall be construed to limit the authority of the Secretary of the Interior to hereafter construct, reconstruct, improve, and maintain roads and trails within the national parks and national monmuments.

"SEC. 6. Whenever any such approach road is proposed under the terms of this act across or within any national forest the Secretary of the Interior shall secure the approval of the Secretary of Agriculture before construction shall begin."

Mr. KING. Mr. President, may I ask the Senator to explain the bill?

Mr. WALSH of Montana. It provides for taking care of approaches to the national parks. It is for the purpose of providing connecting roads.

Mr. BINGHAM. Mr. President, I notice section 7 is a new section added to Senate bill 3073 by the Senate committee providing for an increase of the appropriation for roads in the national parks and national monuments, but limited to those under the jurisdiction of the Secretary of the Interior. Would the Senator object to having those under the jurisdiction of the Secretary of War added also so as to cover national parks under his jurisdiction?

Mr. WALSH of Montana. I think not.

Mr. HAYDEN. Mr. President, I hope the Senator from Connecticut will not insist on his proposed amendment, because the parks for which we have authorized an appropriation come under the Interior Department appropriation bill and the other appropriations would necessarily come under the War Department appropriation bill. It would require separate authorizations and we do not want to get the two propositions scrambled.

Mr. WALSH of Montana. On reconsideration, I agree with the suggestion made by the Senator from Arizona. Moreover, it would probably prevent disposition of the bill without further action of the House.

Mr. BINGHAM. Has section 7, the Senate committee amendment, been covered in the House bill?

Mr. WALSH of Montana. Yes; it has, substantially, I think.

Mr. BINGHAM. Very well; I withdraw the suggestion.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

The PRESIDENT pro tempore. Senate bill 3073 is indefinitely postponed. The clerk will state the next order of business on the calendar.

CHANGE IN CERTAIN POSTAL RATES

The resolution (S. Res. 373) requesting the Postmaster General to withdraw his request for a change in certain postal rates was announced as next in order.

The PRESIDENT pro tempore. The resolution will go over.

Mr. McKELLAR. Mr. President, will the occupant of the chair withhold his objection until I can make a statement about the bill?

The PRESIDENT pro tempore. The occupant of the chair will do so, but the Senator from Tennessee will remember that the 5-minute rule operates.

Mr. McKELLAR. I think I can state in five minutes what I have to say.

In 1912 when the parcel post act was passed the provision which I propose to repeal was inserted in conference. At that time the Senate did not have a rule that extraneous matter could not be inserted by the conferees and, according to the statement which I have set out in the committee report, it is shown that the language involved was inserted by the conferees. The language inserted by the conferees provides that the Postmaster General, with the consent and approval of the Interstate Commerce Commission, may change rates, classifications, and the like, among other things. It was pointed out at that time that these were inconsiderable; that they would not amount to much; that there was a certain latitude which the Postmaster General should have. From that time up until the present that course has been pursued by the Postmaster General.

In 1927, when the bill came up in another connection, the Senator from Nebraska [Mr. NORRIS] objected to the provision because it gave the Postmaster General and the Interstate Commerce Commission the right to raise rates, when he believed that that right should be reserved to the Congress. At that time I stated, as the RECORD shows, and other Senators stated, too, that there had never been any such use made of this power as the Senator from Nebraska suggested and we did not believe that there would be.

Now, in November last the Postmaster General came in with a sweeping revision of all parcel-post rates. He presented a schedule to the Interstate Commerce Commission which would raise the parcel-post rates over $7,000,000. It is almost unbelievable that the Postmaster General, of his own motion, after the history of this grant of power, would undertake a general revision of parcel-post rates. If the Senate wants to kill the parcel-post system this is the hardest body blow that could be given.

All that the resolution does is to request the Postmaster General and the Interstate Commerce Commission to defer action until the Congress can act. They have already given notice of the changes and have already started to put into effect the increases in rates. The Committee on Post Offices and Post Roads, by quite a large majority, not only reported the resolution favorably but overwhelmingly reported the bill providing for repeal of the law. There is no doubt in the world that if it came to a vote the Senate would take the same view unless it has changed its mind about the parcel-post system. If we permit this to be done, it seems to me the entering wedge has been provided for the destruction of the parcel post.

It is said that the department wants to get more revenue. The answer to that is that the loss in revenue on the parcel-post business, according to the department figures, in 1929 was about $20,000,000. In 1930 the loss is estimated to be not quite $15,500,000. I doubt very much whether the figures of the department are right, but if they are right, then $4,500,000 of the loss was taken up in this one year, and the business is better this year by nearly $10,000,000 than it was last year. In a few years more it will be self-supporting. This is a great institution for the poor people of the country, the men and the women who have to work with their hands. They are the ones who use the parcel post. It is a matter of tremendous advantage to them and to the country. It does seem to me that the resolution ought to pass. In addition to that, the bill which has been recommended by the committee ought to pass.

The PRESIDENT pro tempore. The time of the Senator from Tennessee has expired. The Senator from New Hampshire renews his objection, and the resolution goes over. The clerk will state the next business on the calendar.

The bill (H. R. 11675) to authorize the issuance of a patent in fee for certain land and buildings within the Colville Reservation, Wash., for public-school use was announced as next in order.

Mr. McKELLAR. Mr. President, I am going to take just a moment of time under this bill to explain further the resolution which was just passed over. I have explained the situation fully with one exception.

The only people who are really to be benefited by this wholesale change and revision of parcel-post rates are the express companies of the country. If the Senate wants to legislate for the express companies, then let Senators make their objections to the resolution and the bill. Let them be postponed and let them be defeated, but when Senators are doing it let us not make any mistake about it, but remember that the only people in the United States who will really be benefited by the failure of the resolution to pass and then the failure of the bill to pass will be the express companies. Their business is going to be interfered with, but what do the rights of the business man or the small user of the parcel post amount to when it comes to legislating for the great express companies of the country?

We have had this fight time and again already in the Senate. I want to give notice that in every possible way from now on till the 4th of March I am going to undertake to get the bill passed. If I can not get it through in any other way I shall undertake to tack it onto an appropriation bill as an amendment. We are going to vote on the bill at this session if I am able to bring it about.

Mr. PHIPPS. Mr. President, in view of the remarks made by the Senator from Tennessee I think it is only proper to say something on the other side of the question. If the Senator is correct in stating that only the express companies want the bill, why should they now have entered an objection before the Interstate Commerce Commission to the hearings which have been set and which have been fixed, I believe, for February 19? It is true that the estimate on present business made by the Post Office Department indicates that the net receipts to the Government, by reason of the proposed changes on the business they are now handling, would amount to about $7,000,000 or $7,500,000; but that does not take into consideration the new business which is now being handled by express companies and other agencies which the department believes will be brought to the department by reason of changes which it is recommending to the Interstate Commerce Commission.

The facts are that in the near-by zones—the first, second, and third zones—the business has been carried at a very considerable loss. It is proposed to modify the rates provided for those zones to a very slight degree that would not mean more than one-half cent to 1 cent on the average package that is shipped. But as against that in the other zones, particularly the sixth, seventh, and eighth, where the present rates now yield a profit, the proposal is to reduce existing rates. That is taken into account in the estimate which the department has given us. But at the same time the department asks permission to change the regulations. Whereas at the present time there is a limit of 70 pounds weight on packages that may be carried through the first three zones, yet beyond that the limit is 50 pounds. They desire to extend the 70-pound limit so that every State in continental United States may have the benefit of it. Seventy pounds is a reasonable rate which any man in the parcel-post business can handle and lift without assistance.

Then, too, there is a regulation as to the extreme measurement of an article or a package. A package under present regulations going to the far zones is limited so that it can not be received if it is over a certain measurement. The proposal is to make the outside measurement of such packages 84 inches, which is a reasonable figure. We are paying for transportation based on space occupied rather than the weight transported. It seems to me that these questions are largely questions for consideration by the Interstate Commerce Commission, because that commission is quite familiar with the express business and the freight business, and in every way is better qualified to pass upon what rates should be than are any committees of the Congress.

I, for one, see no occasion for changing existing law merely because the department has made a proposal which it desires to submit to the Interstate Commerce Commission. If the Interstate Commerce Commission supports the contention of the Post Office Department and approves its recommendation, I believe we are absolutely safe in accepting it. If we are not, if any injustice shall be done to the

American public, to those who use the parcel post for shipments, six months' experience will demonstrate it, and then the Congress could step in and take charge and take it out of the hands of the Interstate Commerce Commission—take it out of the hands of the Post Office Department, and make its own rates without any recommendations from the Post Office Department, because that is what would happen.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McKELLAR. Are we operating under Rule VIII or under a unanimous-consent agreement that only unobjected bills can be considered? If we are operating under Rule VIII I would like to move to proceed to the consideration of the resolution.

The PRESIDENT pro tempore. We are operating under a unanimous-consent agreement to consider only unobjected bills on the calendar.

Mr. McKELLAR. Very well.

Mr. NORRIS. Mr. President, I want to utilize the five minutes to which I am entitled under the bill now before the Senate to say something in regard to the resolution referred to by the Senator from Tennessee [Mr. McKELLAR] and the Senator from Colorado [Mr. PHIPPS].

Mr. McKELLAR. Mr. President, would the Senator object to me making a correction before he proceeds? A statement was made by the Senator from Colorado——

Mr. NORRIS. The Senator realizes that I have only five minutes.

Mr. McKELLAR. I beg the Senator's pardon; I had forgotten it for the moment.

Mr. NORRIS. Mr. President, I may be wrong, but I do not believe I am wrong and I shall ask to be corrected if I am, but as I understand it, it is openly conceded that this is an attempt on the part of the Post Office Department to increase rates on parcel-post packages.

Let us not get away from that point. To listen to the Senator from Colorado one would almost reach the conclusion that, after all, we might get reduced rates after they got through. The Senator suggests that after this shall be done as is proposed, if the Congress does not like it, it can change the law. That is true, but let me call attention to the fact that we have reached right now the place I suggested we would reach when the bill was originally before the Senate. At that time I was laughed at, I was almost hooted off my feet. The Senator said "Oh, no; nobody will do anything of that kind," but I said, "We shall finally get an official in the Post Office Department who will increase these rates." There is not anything particularly sacred about these rates. There are other postal rates that are not compensatory, and nobody is suggesting that they be increased.

It seems to me that now of all times, when the country is in the depressed condition that it is, the poor people who in the main utilize the parcel post should not be subjected to this increased demand. Furthermore, the record shows that the parcel-post business is improving and that the deficit is largely being wiped out. That is not true of some of the other classes of matter handled by the Post Office Department, which produce a loss every year of many millions more than does the parcel post. Now, at a time when we have such universal hardship among a large class of our people, when everybody is trying to relieve the distress and the unhappiness that have been brought about by the drought and other conditions, why should the Post Office Department undertake to increase the burden on that class of our people who utilize the parcel post?

Mr. FRAZIER. It will cost seven and one-half million dollars.

Mr. NORRIS. It will cost seven and a half million dollars the Senator from North Dakota [Mr. FRAZIER] states, which is paid for, in the main, by the poor people. Each individual charge is small, of course; that is true; but in the aggregate it is a stupendous sum that the people will be called upon to pay who utilize this service in addition to what they are required now to pay.

The resolution of the Senator from Tennessee [Mr. McKELLAR] is only a request that the proposal be held up until Congress can take action upon a bill that would undoubtedly pass if we had an opportunity to act on it. I do not think there is a particle of doubt that it would pass by an overwhelming majority both branches of Congress if they had an opportunity to vote; but the Congress, as well as the country, is held up by one or two men; the 4th of March is approaching, and any provision that would relieve that condition and do away with the short session of Congress and make such a condition impossible in the future is denied to the people of the United States by one man. Another man in the meantime, in the Post Office Department, decides to add this burden to the poor classes of our people.

I hope the Senator will make a motion to take up the bill, and if debate on it runs to the 4th of March, and if that shall interfere with the program which has been laid out by those who control the destiny of the Senate and the House and through them of the country, let it interfere.

The PRESIDENT pro tempore. The time of the Senator from Nebraska has expired.

CERTAIN LAND AND BUILDINGS FOR PUBLIC SCHOOL USE IN COLVILLE RESERVATION, WASH.

Mr. ROBINSON of Arkansas. Mr. President, in the pending bill is observed an unusual provision. The Secretary of the Interior is authorized to convey by patent certain lands for school purposes upon condition that the Indians in the vicinity may enjoy the privileges of the school upon the same terms as the white pupils except that in the discretion of the Secretary of the Interior the Indians may be required to pay tuition.

I wonder if some Senator who is familiar with the bill will explain, first, why the provision is inserted; and, second, why discretion is vested in the Secretary of the Interior to determine whether or not tuition shall be paid by other than white pupils?

Mr. FRAZIER. Some 10 years ago an agreement was reached whereby the schools in this particular district in the State of Washington should consolidate, including this day Indian school, which is located on about 4½ acres of Government land. This provision is to transfer to the school district for school purposes the 4½ acres, together with the building, and if for any reason the school shall be abandoned the land comes back to the Government.

The provision for tuition is left to the discretion of the Secretary of the Interior. In practically every bill affecting the Indians the manner in which the law is enforced is left to the Secretary of the Interior, and, of course, after the school has gone on, as I understand it has, for about 10 years, it may be that it will be only fair for the Indian children to pay tuition to the State school, because the school district has to hire the teachers and all that and has all the overhead expenses to pay.

Mr. KING. May I ask a question of the Senator?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. FRAZIER. I yield.

Mr. KING. Are the Indians who are covered by this bill citizens of the United States?

Mr. FRAZIER. Yes; of course they are citizens. In the report it is stated they are noncitizens, because that agreement was reached in 1920, before the law was passed making all the Indians citizens.

Mr. KING. If they have ceased their tribal relations, and have become citizens of the United States, and have their allotments, why should they not have the benefit of the public school system to which they contribute?

Mr. FRAZIER. Mr. President, as I understand, they do have the privilege of the school system. I am not sure whether they are allotted Indians or not, but I think they are. This is a House bill and the committee took the report on the bill from the House and the report from the department.

Mr. ROBINSON of Arkansas. Assuming that the Secretary of the Interior shall determine that tuition shall be paid by the Indians, who will pay it under this bill?

Mr. FRAZIER. It will be paid by the Indian Bureau out of the funds of these particular Indians, if they have funds.

Mr. ROBINSON of Arkansas. The language does not expressly so provide.

Mr. FRAZIER. No.

Mr. KING. Mr. President, would the Senator object to the bill going over? I know he is deeply interested in the welfare of the Indians, as are some of the rest of us; and if this is an injustice to the Indians—and at first blush it does seem to me it may prove an injustice to them—I think there should be an amendment that will insure their being given the same rights as other citizens of the United States in the same neighborhood enjoy.

Mr. FRAZIER. I have no objection to the bill going over, but I am satisfied there is no injustice to the Indians.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. KING. I have no objection to the passage of the bill, with the understanding that it be held here, and on tomorrow any Senator may move to reconsider, if, after investigation, he thinks that should be done.

The PRESIDENT pro tempore. The Chair understood the Senator to ask that the bill go over, and that order was made.

Mr. KING. I did not want the bill sent over to the House.

The PRESIDENT pro tempore. The bill will remain on the calendar and can be taken up to-morrow.

Mr. KING. Very well.

CONSIDERATION OF BRIDGE BILLS

The PRESIDENT pro tempore. May the Chair suggest that the bills on the calendar from Order of Business No. 1254 to Order of Business No. 1267, inclusive, are all bridge bills, and the amendments that have been submitted to them are amendments that bring them into line with the usual form in the case of bridge bills.

Mr. FLETCHER. Mr. President, Order of Business No. 1254, being Senate bill 5099, is identical with Order of Business No. 1368, being House bill 14679. I ask that the House bill may be substituted for the Senate bill and considered at this time.

The PRESIDENT pro tempore. Without objection, the House bill will be substituted for the Senate bill.

Mr. LA FOLLETTE. Mr. President, I notice that some of the bridge bills on the calendar have not been referred to the Commerce Committee. May I ask the chairman of the subcommittee on bridge bills whether the bills referred to are in the usual form?

The PRESIDENT pro tempore. The Chair will say that the reason they have not been referred to the committee is that they are identical with Senate bills that have already been reported and are on the calendar.

Mr. LA FOLLETTE. If they are in the usual form, I shall make no objection.

Mr. DALE. They are in the identical form; in just the same language as the Senate bills.

The PRESIDENT pro tempore. Is there objection to considering the remaining bridge bills on the calendar en bloc?

Mr. ROBINSON of Arkansas. I do not think we ought to pass bills en bloc; I think it is an unsafe procedure.

BRIDGE ACROSS SANTA ROSA SOUND, FLA.

The bill (H. R. 14679) authorizing Pensacola Bridge Corporation (a Florida corporation), its successors and assigns, to construct, maintain, and operate a bridge across Santa Rosa Sound, in the State of Florida, at or near Grassy Point in Santa Rosa County, Fla., was considered, read the third time, and passed.

BRIDGE ACROSS CHESAPEAKE BAY

The Senate proceeded to consider the bill (S. 5255) to extend the time for the construction of a bridge across the Chesapeake Bay, which had been reported from the Committee on Commerce with amendments, on page 1, line 7, after the word "Bay," to strike out "are hereby" and insert "heretofore"; in line 8, after the word "extended," to strike out "one and three years, respectively, from the date of approval hereof" and insert "by acts of Congress approved April 10, 1928, and June 21, 1929, are hereby further extended one and three years, respectively, from the date of approval hereof," so as to make the bill read:

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge authorized by act of Congress approved February 15, 1927, and by act of Congress approved April 10, 1928, to be built by the Chesapeake Bay Bridge Co., a corporation, across the Chesapeake Bay heretofore extended by acts of Congress approved April 10, 1928, and June 21, 1929, are hereby further extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT RANDOLPH, MO.

The Senate proceeded to consider the bill (S. 5360) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo., which had been reported from the Committee on Commerce with amendments, on page 1, line 7, after the date "1928," to strike out "which times for commencing and completing the construction of the said bridge was," and insert "heretofore"; in line 9, after the word "extended," to strike out "one and three years, respectively, from May 24, 1930, by an act approved May 14, 1930," and insert "by acts of Congress approved March 1, 1929, and May 14, 1930"; and on page 2, line 3, after the date "May 24," to strike out "1930," and insert "1931," so as to make the bill read:

*Be it enacted, etc.*, That the times for commencing and completing the construction of the bridge across the Missouri River at or near Randolph, Mo., authorized to be built by the Kansas City Southern Railway Co., its successors and assigns, by the act of Congress approved May 24, 1928, heretofore extended by acts of Congress approved March 1, 1929, and May 14, 1930, are hereby further extended one and three years, respectively, from May 24, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PIGEON RIVER BRIDGE AT MINERAL CENTER, MINN.

The Senate proceeded to consider the bill (S. 5392) to legalize a bridge across the Pigeon River at or near Duluth, Minn., which had been reported from the Committee on Commerce with amendments, on page 1, line 3, after the word "constructed," to insert "by the State of Minnesota"; and in line 4, after the word "near," to strike out "Duluth" and insert "Mineral Center," so as to make the bill read:

*Be it enacted, etc.*, That the bridge heretofore constructed by the State of Minnesota, across the Pigeon River at or near Mineral Center, Minn., and located on Trunk Highway No. 1, connecting the State of Minnesota and the Province of Ontario, Canada, shall be a lawful structure and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring approval of plans by the Secretary of War and Chief of Engineers before the bridge is commenced.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to legalize a bridge across the Pigeon River at or near Mineral Center, Minn."

MISSOURI RIVER BRIDGE NEAR BROWNVILLE, NEBR.

The Senate proceeded to consider the bill (S. 5473) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownsville, Nebr., which had been reported from the Committee on Commerce with amendments, on page 1, at the beginning of line 5, to strike out "Brownsville," and to in-

sert "Brownville"; in line 6, after the word "the," to strike out "Brownsville" and insert "Brownville"; in line 8, after the date "1929," to insert "heretofore extended by act of Congress approved June 10, 1930"; and in line 9, after the word "hereby," to insert "further," so as to make the bill read:

*Be it enacted, etc.*, That the times for commencing and completing the construction of the bridge across the Missouri River at or near Brownville, Nebr., authorized to be built by the Brownville Bridge Co., its successors and assigns, by the act of Congress approved February 26, 1929, heretofore extended by act of Congress approved June 10, 1930, are hereby further extended one and three years, respectively, from February 26, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr."

STAUNTON RIVER BRIDGE, VIRGINIA

The bill (S. 5114) to legalize bridges across the Staunton River at Brookneal, Route No. 18, Campbell County, and at Clover, Halifax County, Route No. 12, State of Virginia, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc*, That the highway bridges built by the authorities of the State of Virginia across the Staunton River at Brookneal, on route No. 18, Campbell County, and at Clover, Halifax County, on route No. 12, are hereby legalized and the consent of Congress is hereby given to their maintenance by the said State for the use of the general public: *Provided*, That any changes in said bridges which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the said State.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

FRENCH BROAD RIVER, TENN.

The bill (S. 5319) to grant the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the French Broad River on the proposed Morristown-Newport Road between Jefferson and Cocke Counties, Tenn., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc*, That the consent of Congress is hereby granted to the highway department of the State of Tennessee and its successors and assigns to construct, maintain, and operate a free highway bridge and approaches thereto across the French Broad River on the proposed Morristown-Newport Road between Jefferson and Cocke Counties, in the State of Tennessee in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

PECATONICA RIVER BRIDGE, ROCKFORD, ILL.

The bill (H. R. 11779) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Pecatonica River northwest of Rockford, Ill., in section 5, Township 27 North, Range 11 East, fourth principal meridian, was considered, read the third time, and passed.

DAM ON MONONGAHELA RIVER, PA.

The Senate proceeded to consider the joint resolution (H. J. Res. 441) amending section 1 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 3, 1930, relating to the Monongahela River, Pa., which was read, as follows:

*Resolved, etc.*, That the provision relating to the Monongahela River, Pa., in section 1 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 3, 1930, is hereby amended to read as follows:

"Monongahela River, Pa., in accordance with the report submitted in Rivers and Harbors Committee document No. 22, Seventieth Congress, second session: *Provided*, That the Chief of Engineers may, in his discretion, locate the new locks and dam above the existing structure and on such site as he may deem most desirable."

Mr. REED. Mr. President, this joint resolution is a duplicate of a Senate joint resolution which is Calendar No. 1234, unanimously reported favorably by the Committee on Commerce. I should like to make a brief statement in the RECORD to accompany its passage. I have heretofore submitted an amendment providing that the Secretary of War should at the expense of the Government relocate certain pipe lines which are exposed by the change in the location of the dam. That seems to be the equitable thing for us to do, but the company that built the pipe lines agreed that it would bear the expense of any relocation the Government might require. Therefore the Senator from Nebraska [Mr. HOWELL], who is the subcommittee to which that amendment was referred, feels that it would be his duty to oppose the amendment.

It is so very important, in the completion of the canalization of the Monongahela, that there should be no delay, that I have been moved to withdraw the amendment heretofore offered, and will allow the bill to pass without it, although I believe that the amendment would be meritorious.

I wanted that statement to accompany the passage of the bill.

Mr. JOHNSON. Mr. President, in order that the Committee on Commerce may be entirely certain in respect to the matter, I take it from what the Senator has said that the particular authorization will pass without the amendment which he presented, and which was by the committee referred to the Senator from Nebraska.

Mr. REED. Exactly, Mr. President. I do not now offer the amendment.

The joint resolution was ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate Joint Resolution 221, Order of Business 1234, will be indefinitely postponed.

BILLS PASSED OVER

The bill (H. R. 6193) for the relief of Sidney Morris Hopkins was announced as next in order.

Mr. NORRIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6194) granting six months' pay to Arthur G. Caswell was announced as next in order.

Mr. NORRIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 8936) authorizing the promotion on the retired list of the Navy of Stuart L. Johnson, ensign, was announced as next in order.

Mr. NORRIS and Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 6453) for the relief of Peder Anderson was announced as next in order.

Mr. KING. Let that go over.

Mr. HALE. Mr. President, a number of these bills have come over to us from the House clearing the records of enlisted men in the Navy and Marine Corps who have served in the World War or in the Spanish War, and who since that time have been discharged for one reason or another from the Army or Navy. The House held, and our committee agreed with them, that the fact that these men had served during the war should be used to wipe out the dishonorable discharges which they later received. I hope very much that Senators will not object to the passage of these bills.

Mr. KING. I ask to have the bill go over.

The PRESIDENT pro tempore. Is the objection maintained to this bill?

Mr. McKELLAR. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

ROBERT HOFMAN

The bill (H. R. 8117) for the relief of Robert Hofman was announced as next in order.

Mr. KING. Let that go over.

Mr. JOHNSON. Mr. President, will not the Senator withhold his objection to that particular bill? I should be glad to make a very brief statement.

Mr. KING. May I just have the basis of it?

Mr. JOHNSON. The basis of it is that a private was court-martialed, contrary to law, having been required to wash unspeakably filthy clothes of another private. This bill endeavors to do justice to him by correcting his record.

Mr. HALE. Mr. President, I will say that in this case the Judge Advocate General, in commuting the man's sentence from one year to six months, stated that—

The actual offenses committed do not appear to be as grave as the charge and specifications might indicate.

Mr. KING. I invite the attention of Senators—of course, I am very sympathetic to these cases—to the statement of the Acting Secretary of the Navy:

The Navy Department is unaware of any good reason for considering Hofman as having been honorably discharged from the naval service, and without such reason does not believe that any special action toward his case should be taken.

Therefore they recommend against the enactment of the bill.

Mr. HALE. In all of these cases I think the Senator will find similar letters from the department.

Mr. JOHNSON. Will the Senator permit me to read just two clauses of the law?

Section 1232, United States Revised Statutes, provides:

No officer shall use an enlisted man as a servant in any case whatsoever.

Article 553, United States Navy Regulations, provides that—

Under no circumstances shall an enlisted man be employed as a servant.

Article 19-a, M. C. M., interprets this as follows:

No enlisted man will be employed to perform any duty which in civil life is performed by a man or women employed as a servant.

This particular individual was court-martialed because, admittedly, the most unspeakably filthy clothing of another private he was commanded to wash and clean; and the House held, and rightly held, that he ought never to have been court-martialed. This bill simply seeks to correct his record of a dishonorable discharge because of it. I appeal to the Senator from Utah that under those circumstances that record ought not to stand.

Mr. KING. The appeal shall not be in vain.

The PRESIDENT pro tempore. From his seat the Senator from Utah withdraws his objection.

Mr. KING. If the Chair will pardon me, standing I withdraw the objection.

The bill was considered, read the third time, and passed.

JAMES C. BURKE

The bill (H. R. 11212) to authorize a pension to James C. Burke was considered by the Senate.

Mr. NORRIS. Mr. President, I desire to inquire if this James C. Burke is the same Burke who is general attorney for the Republican National Committee.

Mr. HALE. I think not.

The PRESIDENT pro tempore. If that is a parliamentary inquiry addressed to the Chair, the Chair will answer it in the negative.

Mr. NORRIS. It was not a parliamentary inquiry. It was an inquiry of the Senator from Maine.

Mr. HALE. No, Mr. President; this is not the person.

Mr. KING. Mr. President, I should like an explanation, for the reason that the report is rather confusing. It apparently indicates that the bill is for the purpose of conferring upon this man a medal, and yet the bill seems to be for an entirely different purpose.

Mr. HALE. No; the bill was introduced in the House of Representatives originally to give this man the distinguished-service cross for heroism. The department disapproved of that bill and suggested that the Congress should give him a pension instead. I will explain the reason why.

This bill proposes the authorization of an appropriation to be made annually of $1,500 to pay James C. Burke the sum of $125 per month during the remainder of his natural life in lieu of any and all pensions authorized by law for him.

This is in the nature of a reward similar in general nature to that bestowed on Maj. Walter Reed and his companions, as provided by the act of February 28, 1929. Mr. Burke's case is parallel, in that he voluntarily submitted to inoculation during the experiments in connection with the yellow-fever investigations in the Philippines.

Mr. Burke served honorably in the Navy from 1905 to 1909, and was honorably discharged. Prior to discharge, a medical board found him suffering from disease originating in line of duty, incident to long service in the Tropics, and, having submitted to voluntary inoculation by *Anopheles ludlowi*. As a result of his voluntary inoculation he suffered a total nervous breakdown and neuritis, which has gradually increased, and he is now paralyzed.

Mr. McKELLAR. Mr. President, did he suffer from this inoculation?

Mr. HALE. It was entirely due to this inoculation that he became paralyzed.

Mr. McKELLAR. He was paralyzed from the inoculation?

Mr. HALE. Yes; and the action recommended by the committee is exactly the same as was done in the case of Major Walter Reed and his companions.

The bill was read the third time and passed.

CHIEF BOATSWAIN EDWARD SWEENEY, UNITED STATES NAVY, RETIRED

The Senate proceeded to consider the bill (H. R. 2335) providing for the promotion of Chief Boatswain Edward Sweeney, United States Navy, retired, to the rank of lieutenant on the retired list of the Navy, which had been reported from the Committee on Naval Affairs, with an amendment, on page 1, line 5, after the word "lieutenant" to insert "(junior grade)," so as to make the bill read:

*Be it enacted, etc.*, That the President is hereby authorized to advance Chief Boatswain Edward Sweeney, United States Navy, retired, to the rank of lieutenant (junior grade) on the retired list of the Navy, with the retired pay and allowances of that rank: *Provided*, That no back pay, bounty, pension, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act providing for the promotion of Chief Boatswain Edward Sweeney, United States Navy, retired, to the rank of lieutenant (junior grade) on the retired list of the Navy."

BILLS PASSED OVER

The bill (H. R. 7639) to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relative of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928, was announced as next in order.

Mr. HALE. Mr. President, at the suggestion of the Senator from South Dakota [Mr. McMASTER], who has an amendment to this bill, I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 4731) for the relief of Frederick Rasmussen was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

RELIEF OF CERTAIN MEMBERS OF NAVY AND MARINE CORPS

The bill (S. 2429) to amend the act entitled "An act for the relief of certain members of the Navy and Marine Corps

who were discharged because of misrepresentation of age," approved January 19, 1929, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the act entitled "An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age," approved January 19, 1929, is hereby amended by striking out "April 6, 1917," and inserting in lieu thereof "January 31, 1917."

TRACY LEE PHILLIPS

The bill (H. R. 10365) for the relief of Tracy Lee Phillips was announced as next in order.

Mr. KING. Mr. President, I see that the Secretary reports this bill adversely. Will the Senator explain it?

Mr. HALE. Mr. President, the purpose of this bill is to hold that Tracy Lee Phillips was honorably discharged from the Naval service, for the purposes of conferring the usual rights and benefits, whereas he was dishonorably discharged as the result of sentence by general court-martial.

He entered the service in 1915, and served therein until 1919, when he was dishonorably discharged for scandalous conduct, namely, counterfeiting the initials of a censor and giving out information.

While on duty in Scotland he married. After the armistice he forged the initials of acensor on a letter to his wife, trying to convey to her the information that he was going home, and that it would be impossible for him to see her before sailing. He gave her information as to the securing of a passport to America, explained the value of American money, and also the customs she should know. At the same time he wrote a letter to his mother in America. These letters were discovered before they left the ship. He was given a court-martial with a 5-year sentence; this was later reduced to two years, and on good behavior he was discharged in eight months.

He has suffered the disgrace and humiliation of this blot on his character for the past eight years for committing an act that he believed justifiable, and an act that the average man who had just married would have committed. For the sake of his wife and daughter, he asks that the blight be removed.

This man has suffered disgrace and humiliation, and in view of the fact that actual hostilities had ceased at the time, the committee has felt that the bill is a just one.

Mr. KING. The report shows that he forged the initials of a Government official to accomplish his end.

Mr. HALE. He should not have done it. I suppose he simply put the initials on a letter which was of no military consequence.

Mr. McKELLAR. If a man committed forgery, he ought not to have a pension from the Government, and I object.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

HENRY MANSKE, JR.

The bill (H. R. 1892) for the relief of Henry Manske, jr., was considered, read the third time, and passed.

GUY BRADDOCK SCOTT

The bill (H. R. 4760) for the relief of Guy Braddock Scott was considered, read the third time, and passed.

WALTER HARRELL ALLEN

The bill (S. 3951) for the relief of Walter Harrell Allen was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of the act entitled "An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age," approved January 19, 1929, Walter Harrell Allen, alias William Harrel Allien, former electrician, second class, United States Navy, shall be held and considered to have enlisted in the United States Navy on April 6, 1917.

MRS. THOMAS DOYLE

The bill (S. 4716) for the relief of Mrs. Thomas Doyle was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Mrs. Thomas Doyle, Crow allottee No. 1657, for land allotted to her under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

JOHN T. DOYLE

The bill (S. 4715) for the relief of John T. Doyle was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to John T. Doyle, Crow allottee No. 1660, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

JAMES M. HUDSON

The bill (H. R. 1075) to correct the naval record of James M. Hudson was announced as next in order.

Mr. KING. I should like the Senator to explain this bill, in view of the fact that there is an adverse report.

Mr. HALE. Mr. President, this is another case of clearing a man's record. This man, at the age of 16 years, enlisted in the Navy for the period of six years. After serving about two years he absented himself. He surrendered, and agreed to serve for the period of his absence instead of being tried by court-martial. He again absented himself. However, he immediately enlisted in the Army, under an alias, served therein during the Philippine War, and was honorably discharged from his Army enlistment.

The committee feels that in view of his honorable Army service in foreign territory during a war period, and also in view of the fact that his naval record during the two years he served therein was at all times honorable up to the time he absented himself, his record should be changed to indicate an honorable discharge from the Navy.

The bill was considered, read the third time, and passed.

DAVID A. DEHART

The bill (H. R. 3950) for the relief of David A. Dehart was considered, read the third time, and passed.

THOMAS WALLACE

The bill (H. R. 4907) for the relief of Thomas Wallace was considered, read the third time, and passed.

WILLIAM A. QUIGLEY

The bill (H. R. 8665) for the relief of William A. Quigley was considered, read the third time, and passed.

HARRY P. LEWIS

The bill (H. R. 4159) for the relief of Harry P. Lewis was considered, read the third time, and passed.

STERRIT KEEFE

The bill (H. R. 11022) for the relief of Sterrit Keefe was considered, read the third time, and passed.

ARTHUR EDWARD BLANCHARD

The bill (H. R. 11297) for the relief of Arthur Edward Blanchard was considered, read the third time, and passed.

JAMES J. LINDSAY

The bill (S. 3929) for the relief of James J. Lindsay was announced as next in order.

Mr. McKELLAR. Mr. President, I suppose all of these men have committed some kind of wrong; and now, years afterward, the Congress is coming along and putting them on a pensionable status for it. I do not think we ought to do this unless there is an explanation as to each one; and unless there is an explanation, I am going to object to them, though I dislike to do so.

Mr. HALE. I shall be glad to explain.

Mr. McKELLAR. I think there ought to be an explanation about each one, and I ask the Senator to make it.

Mr. HALE. Mr. President, in the Lindsay case, Lindsay enlisted in the Navy in 1898. He maintained a clear record, and after serving 75 days was honorably discharged at his own request.

The general provisions of the law fix 90 days as the minimum limit of service during the Spanish-American War for pension benefits, so that under the law Lindsay lacks 15 days of war service to be eligible for a pension.

However, three months prior to enlisting in the Navy he enlisted in the New York Naval Militia, upon the call of President McKinley for volunteers; so that all together he had approximately six months' service, 180 days, but only 75 of which were performed while in the Federal service.

Mr. McKELLAR. Mr. President, I do not think the committee should have reported a bill of that sort, and I object to it.

The PRESIDENT pro tempore. The bill will be passed over.

JOHN DONAHUE

The bill (S. 351) for the relief of John Donahue was considered and was read, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy, John Donahue shall be held and considered to have been honorably discharged from the United States Navy on March 19, 1903: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its passage.

The PRESIDENT pro tempore. The Chair understood the Senator from Tennessee to have demanded an explanation of each of these bills.

Mr. McKELLAR. That is correct.

The PRESIDENT pro tempore. Under the general demand the Senator from Maine will proceed.

Mr. HALE. Mr. President, this is a bill to clear up the record of this sailor. During the World War this man served for a period of nearly two years under honorable conditions and was honorably discharged by reason of demobilization. He participated in the Battles of Anould, St. Die, on the Villers en Hage sectors, St. Mihiel, and Meuse-Argonne. His character on discharge was excellent.

The committee feels that in view of his excellent war record his record should be cleared.

Mr. NORRIS. What is the matter with the record? From what the Senator has said we do not need any bill.

Mr. HALE. I did not go into that.

Mr. McKELLAR. That is the part I would like to have the Senator go into.

Mr. HALE. I will be very glad to give it to the Senator. I will read a report from the Secretary of the Navy, as follows:

Replying further to the committee's communication dated April 23, 1929, transmitting the bill (S. 351) for the relief of John Donahue, and requesting the views of the Navy Department relative to this measure, I have the honor to advise you as follows:

The purpose of this bill is to provide that in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy, John Donahue shall be held and considered to have been honorably discharged from the United States Navy on March 19, 1903.

The records of the Navy Department show that the above-named man was born on November 3, 1877. He enlisted in the Navy on July 25, 1900. During his period of service Donahue committed a number of offenses, such as having liquor in his possession on a number of occasions, overstaying leave, and being drunk and dirty on return from liberty. On March 19, 1903, he was given an ordinary discharge in accordance with the recommendation of a board of medical survey which found him to be suffering from chronic * * *.

Mr. McKELLAR. Mr. President, as I understand it, this sailor was discharged many years ago because of derelictions while in the service, but when the World War came on he went into that war and took part in a number of battles in Europe.

Mr. HALE. Yes; and had an excellent record.

Mr. McKELLAR. And but for the previous Navy record he would be entitled to a pension. I think he is entitled to it, and I withdraw my objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD BROOKS

The Senate proceeded to consider the bill (S. 2753) for the relief of Edward Brooks, which was read, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy Edward Brooks shall be held and considered to have been honorably discharged as a steerage steward, U. S. S. *New York*, United States Navy, on July 15, 1900: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its passage.

The PRESIDENT pro tempore. The Senator from Maine is recognized.

Mr. HALE. Mr. President, this bill is also to correct the record of an enlisted man in the Navy.

In 1897 Brooks enlisted in the Navy for a 3-year enlistment, and after serving two years and nine months, under honorable conditions, he was given an ordinary discharge because of physical disability not incurred in line of duty.

Brooks served throughout the period of the Spanish-American War, and a period thereafter, and during the war was attached to the U. S. S. *New York*.

Under an ordinary discharge he is not entitled to a pension. The committee felt that in view of his honorable service he should be given a pension.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. HALE. Certainly.

Mr. KING. Does everyone who serves in the Navy in peace time obtain a pension, if he serves his full term of three years?

Mr. HALE. Oh, no; certainly not.

Mr. KING. I understand this comes within that category. I am asking for information.

Mr. HALE. I said that in 1897 this man enlisted in the Navy for a 3-year period. That took him through the Spanish-American War, and he would be entitled to a pension for having served in the Spanish-American War.

Mr. KING. Did he serve upon any ship that was in line of battle?

Mr. HALE. He served on the *New York*. He was discharged for disability. This is simply to clear up his record.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CROOKED AND INDIAN RIVERS, MICH., SURVEY

The Senate proceeded to consider the bill (S. 4815) authorizing a preliminary examination and survey of the Crooked and Indian Rivers, Mich., which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of War is hereby authorized and directed to cause a preliminary examination and survey to be made of the Crooked River between Crooked Lake and Burt Lake, and of the Indian River between Burt Lake and Mullet Lake, in Emmet and Cheboygan Counties, Mich., with a view to the improvement of said rivers by dredging. The cost of such examination and survey shall be paid from appropriations heretofore or hereafter made for examinations and surveys.

WILLIAM T. J. RYAN

The Senate proceeded to consider the bill (S. 1712) for the relief of William T. J. Ryan.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 8, before the word "sergeant," to strike out the word "staff," so as to make the bill read:

*Be it enacted, etc.*, That in the administration of the provisions of the act of August 29, 1916 (39 Stat. L. 649), relating to Federal support of families of enlisted men in the Military Establishment who served during the expedition into Mexico, the claim of William T. J. Ryan, then sergeant, Headquarters Battery, Seventy-sixth Field Artillery, Fort D. A. Russell, Wyo., for Federal support of his wife, Beulah E. Ryan, be held and considered to have been received in the office of the depot quartermaster, Washington, D. C., on or before June 30, 1917, in view of the fact that delay in receipt occurred through no fault of the soldier, but through loss or miscarriage of his application in the mails.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, this was probably the last bill the late Senator Warren, of Wyoming, introduced in the Senate.

This soldier was entitled to request an allowance for his wife under the laws relating to allotments during the World War. He mailed his application in time for it to reach headquarters before the time limit for its receipt expired. Through some error in the mails, the application failed to

reach headquarters within the required time. Consequently officials in authority could not make the payment at headquarters. This is a bill to reimburse this man for the equivalent which he sent to his wife out of his own funds, in view of the failure of the application for the allowance to arrive through no fault of his own and through the consequent failure of the allowance itself to be paid.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN JAKES

The Senate proceeded to consider the bill (H. R. 516) for the relief of John Jakes, which was read, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John Jakes, who was a private of Company G, Second Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private of said company and regiment on or about the 27th day of June, 1865: *Provided*, That no pay, pension, or bounty shall accrue prior to the passage of this act.

Mr. SHEPPARD. Mr. President, this soldier was assigned to a wagon train shortly before the close of the Civil War and left his company for that purpose. While he was serving with the wagon train his company disbanded and he was erroneously recorded as having deserted. He was in fact laboring in another branch of the service, to which he had been officially assigned.

His commanding officer stated that there was an error in recording him as a deserter, and this is an effort at this late date to do him justice.

Mr. McKELLAR. Was he a Civil War veteran?

Mr. SHEPPARD. He was a Civil War veteran.

The bill was ordered to a third reading, read the third time, and passed.

FORT SILL (OKLA.) MILITARY RESERVATION ROAD

The bill (H. R. 7272) to provide for the paving of the Government road across Fort Sill (Okla.) Military Reservation, was announced as next in order.

Mr. THOMAS of Oklahoma. Mr. President, if there is no objection to the consideration of this bill, I desire to offer an amendment to it. If there is objection, I desire to make a statement.

The bill provides for the paving of a road across Fort Sill Military Reservation in Oklahoma. That reservation is located in the Wichita Mountains of Oklahoma.

There used to be three roads across the reservation, but because of the firing of the big guns, the War Department has closed two of them, and now proposes to improve the third. The third road parallels two lines of railroad, the Rock Island and Frisco.

The State has built a road, which now exists, including the culverts and the bridges, but the road is up and down a valley. If it were over the mountains, it would not need paving, but being in the valley, in the wet time of year it is impassable. Ordinarily the War Department paves its own roads entirely.

This bill provides that the War Department shall pay only 50 per cent of the cost of the paving of this road. It is paved on both sides, and it occurs to me that, inasmuch as the State is willing to pave one-half of the road and to maintain the road entirely, it is not a bad business proposition for the Government.

I desire to offer an amendment, if there be no objection to the consideration of the bill, providing that the language in line 5, and a portion of line 6, page 1, be stricken from the bill. The language to be stricken reads as follows: "Beginning at the site of the fort and running to the reservation limit on the north."

Recently the War Department has located the school of fire permanently at this point. At this time it is desired to keep all the reservation possible for firing purposes. For that reason they desire the road to be paralleling the two railroads. At the present time three State roads converge at this point and cross the reservation. So this particular road serves three State highways, and it is the only way to get to the mountains. By striking out these words we would simply permit the Secretary of War to designate the particular road to be improved.

Mr. REED. Mr. President, it seems to me there is no objection to the amendment offered by the Senator, but I would like to say a word about the justness of the Federal Government making this contribution, inasmuch as this is a military reservation.

The Federal Government, under our present legislation, has no authority to make the same Federal contribution toward the cost of building that it would have if the road were out in any other part of the State. The purpose of the committee in reporting the bill in this form is simply to enable the Federal Government to contribute the same amount it would contribute if there were no military reservation there at all.

Without objection, the Senate proceeded to consider the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PETER R. WADSWORTH

The Senate proceeded to consider the bill (H. R. 6668) for the relief of Peter R. Wadsworth, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert the following:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,012.32, to be credited to the tribal funds of the Chippewa Indians, for the purpose of discharging the obligations of Peter R. Wadsworth, former superintendent and special disbursing agent of the Consolidated Chippewa Indian Agency, Cass Lake, Minn., arising out of the failure of the First National Bank of St. Cloud, Minn., on June 17, 1925.

SEC. 2. The Secretary of the Interior is authorized and directed to pay, out of the money so credited, the unpaid claims of all Chippewa Indians against such agency arising out of such bank failure.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to provide for discharging certain obligations of Peter R. Wadsworth, former superintendent and special disbursing agent of the Consolidated Chippewa Indian Agency."

DECORATIONS OF UNITED STATES NAVY AND MARINE CORPS OFFICERS

The Senate proceeded to consider the bill (S. 4800) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered, which had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and to insert:

That the following-named officers of the United States Navy and Marine Corps are hereby authorized to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered:

United States Navy: Admiral William B. Caperton (retired), Rear Admiral John R. Y. Blakely, Rear Admiral Edward H. Campbell, Rear Admiral Harley H. Christy, Rear Admiral Sumner E. W. Kittelle, Rear Admiral David F. Sellers, Rear Admiral Herbert O. Dunn (retired), Rear Admiral William C. Braisted, Medical Corps (retired), Capt. William H. Allen, Capt. Gordon W. Haines, Capt. Alfred G. Howe, Capt. Victor A. Kimberly, Capt. David M. LeBreton, Capt. Benyaurd B. Wygant, Capt. Rufus F. Zogbaum, jr., Capt. John R. Edie (retired), Capt. Charles C. Marsh (retired), Capt. Edward T. Hoopes, Supply Corps, Capt. Norman T. McLean, Medical Corps, Commander Augustin T. Beauregard, Commander Harold M. Bemis, Commander Alfred W. Brown, Commander Milo F. Draemel, Commander Douglas W. Fuller, Commander Harold C. Train, Commander Ward W. Waddell, Commander Harry H. Lane, Medical Corps, Commander Joseph J. A. McMullin, Medical Corps, Lieut. Commander Bernhard H. Bieri, Lieut. Commander Dallas B. Dupre, Lieut. Commander Henry J. Shields, Lieut. Commander Ralph F. Wood, Lieut. Commander Charles R. O'Leary, Lieut. Harvey R. Bowes, Lieut. George H. DeBaun, Lieut. Curry E. Eason,

Lieut. John B. O'Neill, Medical Corps, Lieut. Commander Schuyler F. Cumings, United States Naval Reserve, Lieut. Commander Harold B. Grow, United States Naval Reserve, Lieut. Commander Edward O. McDonnell, United States Naval Reserve, Lieut. (Junior Grade) Frank E. La Cauza, United States Naval Reserve.

United States Marine Corps: Col. George C. Thorpe (retired).

Mr. REED. Mr. President, what happened to Order of Business 1302, Senate bill 4537, to relinquish all right, title, and interest of the United States in certain lands in the State of Louisiana?

The PRESIDENT pro tempore. That bill was passed, at the request of the junior Senator from Louisiana [Mr. BROUSSARD], by unanimous consent prior to the taking of a recess at the conclusion of the afternoon business.

The question is on agreeing to the amendment to Senate bill 4800.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLASSIFICATION OF MAIL MATTER

The bill (S. 5365) to repeal section 7 of the postal act approved May 29, 1928, was announced as next in order.

The PRESIDENT pro tempore. That will go over.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. The Chair withholds the objection for five minutes.

Mr. McKELLAR. It will not take that long for me to say what I desire.

I merely wish to remark that this is a bill which the Committee on Post Offices and Post Roads reported, according to the statement I made a while ago.

Some time ago the Senator from Colorado [Mr. PHIPPS] said that the express companies are objecting to the raising of these rates. I know the Senator wants to be accurate. The express companies are not objecting to the raising of the rates. They are objecting only to the changes in the classification and in the size of the packages. They are tickled to death at the raise in rates, of course, because it means business to them. But they have appealed to the Interstate Commerce Commission not to make changes in the classifications and in the size of the packages.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. PHIPPS. The Senator's statement, as I gathered it, was that the express companies were the only ones who wanted this legislation.

Mr. McKELLAR. They do want the increase of rates, and that is the only thing I am talking about.

Mr. PHIPPS. I called attention to the fact that they were protesting this appeal and request of the Post Office Department. They were doing that, of course, because they feared that the zones from the fourth to the eighth zone will be affected by regulations such as those increasing the weight limit and increasing the permissible size of the packages. They expect to lose business. That is where the Post Office Department would gain revenue.

Mr. McKELLAR. I was talking about the increase in rates, and that is the only question really before us in relation to the bill.

There is another thing to which I want to call attention, and that is the claim that is made by the Post Office Department that it is the purpose to increase revenue. In the second and third classes the loss, according to their report, about which I have serious doubt, is something like $80,000,000 or $90,000,000, and there is no effort to wipe out that deficit. But when it comes to the parcel post, in which the people are interested, they want to make it pay. Not only that but the Postmaster General has recommended that the postage on first-class matter, letter mail, be increased from 2 cents to 2½ cents an ounce, which will mean an increase in taxes on the people who use the letter mail of something like $50,000,000, whereas at the present time first-class mail is paying, above all expenses, a net profit of somewhere between $75,000,000 and $80,000,000 a year.

When the Postmaster General asks for an increase in rates on fourth-class or parcel-post matter he is not very consistent. He is undertaking to mulct the two divisions of mail which are doing the best, and as to those where the loss is greatest he has taken no steps at all because it is not good policy to do it.

The PRESIDENT pro tempore. On objection, the bill goes over.

SILVER SERVICE OF BATTLESHIP "FLORIDA"

The bill (S. 4821) authorizing the Secretary of the Navy, in his discretion, upon request from the Governor of the State of Florida, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *Florida*, now out of commission, was considered.

Mr. FLETCHER. Mr. President, the State of Florida gave to the battleship *Florida* a silver service. Under the recent disarmament treaty the battleship was ordered to be scrapped. The bill merely authorizes the silver service to be returned to the State government of Florida.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of Florida, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *Florida*, now out of commission, by citizens of the State of Florida; but no expense shall be incurred by the United States for the delivery of such silver service.

GEORGIA A. MUIRHEAD

The bill (S. 3831) for the relief of Georgia A. Muirhead was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Comptroller General be, and he is hereby, authorized and directed to credit the accounts of Georgia A. Muirhead, postmaster at Hemingford, Nebr., in the sum of $264.42, representing the amount of postal funds lost by reason of the failure of the First National Bank of Hemingford, Nebr., and shown on final audit of her accounts as postmaster to be due the United States.

SEC. 2. The surety on the bond of the said Georgia A. Muirhead as postmaster is relieved of any liability on account of such loss.

BILLS PASSED OVER

The bill (S. 2296) for the relief of Nellie McMullen was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4489) for the relief of the heirs of Harris Smith was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4105) for the relief of the estate of White B. Miller was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

UNCOMPAHGRE RECLAMATION PROJECT, COLORADO

The bill (S. 5245) for the relief of the Uncompahgre reclamation project, Colorado, was announced as next in order.

Mr. PHIPPS. Mr. President, the House has passed a similar bill, being Calendar No. 1366, the bill (H. R. 14916) for the relief of the Uncompahgre reclamation project, Colorado. I ask unanimous consent that the House bill be substituted for the Senate bill and passed. The bills are identical.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Without objection, that will be done, and the House bill is before the Senate.

There being no objection, the bill was considered, read the third time, and passed, as follows:

*Be it enacted, etc.*, That if the Uncompahgre Valley Water Users' Association shall, under the contract of April 8, 1927, between the United States and the association, on or before January 1, 1932, take over the operation, maintenance, and control of the entire Uncompahgre reclamation project, Colorado, the Secretary of the Interior is hereby authorized to enter into an amendatory contract with the said association which shall provide as follows:

First. All construction and operation and maintenance charges (exclusive of any operation and maintenance charges required to be paid by the association for the operation and maintenance of the project for the calendar year 1930) that were or shall be due and unpaid under said contract of 1927 on December 31, 1930, including the then unpaid deferred charges under articles 17 (b)

and (d) of said contract (without interest and penalties on such deferred accounts) and the construction charge that becomes due on December 1, 1931, under said contract, may be included in and made payable as part of the project supplemental construction charge hereinafter mentioned. Interest and penalties heretofore paid on deferred charges under articles 17 (b) and (d) shall be remitted and credited against the association's obligation for supplemental construction.

Second. During each of the years 1932 to 1937, both inclusive, the association shall have the right to expend for the construction of a drainage system such portion of the construction charge payable to the United States under said contract of 1927, as said association may consider necessary and as may be provided for by plans prepared by the association and approved by or on behalf of the Secretary of the Interior, the moneys so expended to be secured from construction charge assessments to be made to meet the regular construction charge installments that become due and payable under the said contract of 1927 on December 1 of the years 1931 to 1936, inclusive. The amounts so expended by the association for drainage each calendar year from December 1 to November 30, for six years, beginning with December 1, 1931, shall be credited to the annual construction charge that becomes due annually on December 1 of each year during the period of 1932 to 1937, both inclusive, the payment of the construction charges for which it is so substituted being in each case postponed to be paid later as a part of the supplemental construction charges authorized in item 3 hereof. Should the amounts so expended and credited annually be less than the annual construction charge for the years 1932 to 1937, both inclusive, the balance of each year's charge shall be payable to the United States in accordance with the contract of 1927.

Third. The amounts so expended and credited, the amounts postponed under the provisions of item 1 hereof, and any amounts of primary construction charges applicable to productive lands that shall not have become due and payable by the association under the contract of 1927, on or before December 1, 1961, shall be considered and defined as the project supplemental construction charge and shall be made payable by the association in annual installments of $85,000, the first installment of such supplemental construction charges to be payable on December 1, 1962, and a like installment on December 1 of each subsequent year until the total of the supplemental construction charge indebtedness is reduced to $85,000 or less, which remaining amount shall then be made payable as the last installment on December 1 of the calendar year next following the year in which the indebtedness is so reduced; and

Fourth. No stock assessment levied by the association to raise payments due the Government on construction need be increased more than 15 per cent of the normal yearly per irrigable acre construction installment as provided in section 17 of the contract of April 8, 1927, to meet deficits or estimated deficits due to the failure of some of the association's stockholders to pay their assessments when due, any resulting delinquencies as established after foreclosure of maximum assessment liens in meeting installments of charges due the United States from the association to be paid as a part of the supplemental construction charge authorized in item (3) hereof.

SEC. 2. It shall be provided as a condition subsequent that said contract shall terminate and be annulled unless (1) the General Assembly of the State of Colorado at its twenty-eighth session enacts legislation, which becomes effective (a) authorizing a water users' association to be incorporated for a term of at least 75 years, and (b) amending chapter 76 of Colorado Session Laws, 1929, so as to permit the decree in proceedings to confirm a contract between such association and the United States to constitute as against parties defendant, including owners, lienors, and mortgagees of land in the district, an amendment of existing water-right contracts with individual landowners in the district, so far as the contract confirmed is inconsistent with such individual contracts; (2) the Uncompahgre Valley Water Users' Association thereupon extends its term of incorporation for at least 75 years from the date of such amendment of its articles; and (3) the association secures promptly a confirmatory decree, confirming such proposed contract with the United States under said amendment of chapter 76 of the Session Laws of Colorado, 1929.

The PRESIDING OFFICER. Without objection, the corresponding Senate bill will be indefinitely postponed.

CAPT. CHRISTIAN DAMSON

The bill (S. 1244) for the relief of Capt. Christian Damson was considered. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Capt. Christian Damson, a civilian employee of the War Department, who was injured on the steamship *Cudahy*, a vessel of the Army Transport Service, on or about August 17, 1918.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KING. Mr. President, I would like to have an explanation of the bill. I think there are too many waivers of the law, so many in fact that we might as well repeal the entire act.

Mr. HOWELL. Mr. President, this claimant was a captain on a vessel during the war. The vessel was torpedoed. He was one of 13 survivors. They were in an open boat at sea for six days. He made claim through the Mixed Claims Commission against Germany, but it was held that he was not essentially a civilian and therefore his claim was disallowed.

I make this statement to show that he was not guilty of laches in presenting his claim. The War Department recommends that something be done for the man. The question is, What is his disability as a result of the exposure? As a consequence in determining the disability the statute of limitations has been waived and he is allowed to appear before the compensation commission to prove his case.

Mr. KING. Mr. President, will the Senator yield?

Mr. HOWELL. Certainly.

Mr. KING. Was he in the military or naval service of the United States?

Mr. HOWELL. I do not know exactly what his status was, but it was claimed that he was not essentially a civilian and, therefore, his claim was disallowed by the Mixed Claims Commission. There is no question about it that he is not entitled to a pension and, therefore, his position is rather anomalous.

Mr. KING. Was he engaged in the service of the United States in any capacity?

Mr. HOWELL. Yes; he was in command of this vessel which was torpedoed and which was a military vessel, but he was not a member of the armed forces in the sense that he was a member of the Army. As a consequence he is without redress. He thought he could secure consideration from the Mixed Claims Commission.

Mr. KING. Under the compensation act would he be permitted to receive compensation for torts committed by a third person?

Mr. HOWELL. If he was injured thereby. That is the case with all torts claimed that affect claimants. The claimant appeals to the compensation commission, and the compensation commission awards what is due him under the law.

Mr. KING. I think the Senator is familiar with the fact that we are called upon to waive the compensation act in so many cases that pretty soon we might as well abolish it altogether.

Mr. HOWELL. I am inclined to agree with the Senator.

Mr. KING. It deprives the Government of an opportunity to defend itself or present the facts, so that an intelligent, as well as a just judgment, may be rendered. I think it is a very bad practice to waive the statute in all these cases.

Mr. HOWELL. The question arises, then, Shall the Congress consider a lump sum, or shall we have somebody to whom we may send claims in order to determine whether the claimants are really disabled.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. D. STEWART

The bill (S. 3144) for the relief of J. D. Stewart was considered. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of J. D. Stewart, a rural carrier out of Edison, Ga., who was injured April 17, 1926.

Mr. KING. Mr. President, I would like to have an explanation as to the waiver of the rule.

Mr. HOWELL. Mr. President, this is a case where a rural carrier claims to have suffered a strangulated hernia due to lifting a heavy mail bag. He made no claim at the time. The year elapsed, and the consequence was that he was

barred by the statute of limitations. The bill merely waives the statute of limitations and allows him to present his case to the compensation commission.

Mr. GEORGE. Mr. President, may I also say that following the first injury which occurred early in February, 1929, as I recall it, he sustained an additional injury of the same character for which a claim was filed within time, but the original injury was just beyond the year's limit. The Compensation Commission in this particular case said that they were compelled to deny the claim solely because the claim was not filed for the original injury within the one year's limitation, but expressly said the case was a just one and ought to be acted upon favorably.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

M'ILWRAITH M'EACHARN'S LINE, PROPRIETARY (LTD.)

The bill (S. 4120) for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.), was considered. The bill had been reported from the Committee on Claims with amendments, on page 2, line 4, after the word "determine," to strike out "the whole controversy" and insert "such suit"; in line 6, to strike out "the legal" and insert the word "such"; in line 6, after the word "interest," to insert the words "and costs, if any, as shall be found to be due against the United States in favor of the McIlwraith McEacharn's Line, Proprietary (Ltd.), or against the McIlwraith McEacharn's Line, Proprietary (Ltd.), in favor of the United States"; and in line 11, to strike out the words, "if any such be found to be due either for or against the United States"; and in line 13, to strike out the words "and with costs," so as to make the bill read:

*Be it enacted, etc.*, That the claim of McIlwraith McEacharn's Line, Proprietary (Ltd.), against the United States for damages and loss alleged to have been sustained by it as a result of the collision between the U. S. S. *MacDonough* and the Australian coal barge *Werfa*, which occurred in Victoria Basin, Melbourne, Australia, on or about August 5, 1925, may be determined in a suit to be brought by the said claimant against the United States in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages, without interest, and costs, if any, as shall be found to be due against the United States in favor of the McIlwraith McEacharn's Line, Proprietary (Ltd.), or against the McIlwraith McEacharn's Line, Proprietary (Ltd.), in favor of the United States, sustained by reason of said collision, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of the said court, and upon the receipt of such notice it shall be the duty of the Attorney General to cause the United States attorney in the district to appear and defend for the United States: *Provided further*, That such suit shall be brought and commenced within four months of the date of the approval of this act.

Mr. McKELLAR. Mr. President, does this merely waive the statute of limitations and give this concern an opportunity to sue? Is that all it does?

Mr. HOWELL. To sue and to determine in the court who is liable.

Mr. McKELLAR. Without interest?

Mr. HOWELL. Yes; without interest.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS G. HAYES

The bill (S. 4509) for the relief of Thomas G. Hayes was announced as next in order.

Mr. SHIPSTEAD. Over.

The PRESIDING OFFICER. The bill will be passed over.

PEDER ANDERSON

Mr. NORBECK. Mr. President, the bill (H. R. 6453) for the relief of Peder Anderson was inadvertently objected to, being Calendar No. 1273. I ask unanimous consent that we may return to it and that it may be considered.

There being no objection, the bill (H. R. 6453) for the relief of Peder Anderson was considered, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and sailors Peder Anderson, who was a seaman on the United States monitor *Manhattan*, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a seaman of that organization on the 1st day of June, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

BILLS PASSED OVER

The bill (S. 4510) for the relief of H. E. Hurley was announced as next in order.

Mr. SHIPSTEAD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4675) for the relief of the Seward City Mills (Inc.) was announced as next in order.

Mr. SHIPSTEAD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4676) for the relief of the estate of Thomas Bird, deceased, was announced as next in order.

Mr. SHIPSTEAD. Over.

The PRESIDING OFFICER. The bill will be passed over.

DR. B. T. WILLIAMSON

The bill (S. 4677) for the relief of Dr. B. T. Williamson, of Greenwood, Miss., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Dr. B. T. Williamson, of Greenwood, Miss., arising out of the action of the District Court of the United States for the Northern District of Mississippi in quashing an execution under which he had purchased certain land, the purchase price of which had been covered into the general fund of the Treasury, and to allow in full and final settlement of said claim an amount not to exceed $150, the amount of the purchase price. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150, or so much thereof as may be necessary to pay this claim.

MILDRED N. O'LONE

The bill (S. 5193) for the relief of Mildred N. O'Lone, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of Mildred N. O'Lone for blood furnished June 17, 1930, for transfusion to Clarence Judd, a patient in a Government hospital, and to allow in full and final settlement of said claim an amount not in excess of $25. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25, or so much thereof as may be necessary, for the payment of such claim.

BILL PASSED OVER

The bill (S. 5194) for the relief of the Sun Shipbuilding & Dry Dock Co. was announced as next in order.

Mr. SHIPSTEAD. Over.

The PRESIDING OFFICER. The bill will be passed over.

HOWARD DIMICK

The bill (S. 5195) for the relief of Howard Dimick was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Howard Dimick for refund of the amount paid by him for the purchase of a motor vessel, *V-13604*, sold by the Prohibition Service but not delivered to him, and to allow said claim in an amount not exceeding $910. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $910, or so much thereof as may be necessary, for the payment of this claim.

BILLS PASSED OVER

The bill (S. 5196) for the relief of the B. & O. Manufacturing Co. was announced as next in order.

Mr. SHIPSTEAD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5197) for the relief of the David Gordon Building & Construction Co. was announced as next in order.

Mr. SHIPSTEAD. Over.

The PRESIDING OFFICER. The bill will be passed over.

T. MORRIS WHITE

The bill (S. 5198) for the relief of T. Morris White was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of T. Morris White as reimbursement for balance of money not previously refunded of the amount of $152.49 erroneously paid to the Office of Public Buildings and Public Parks of the National Capital for 586½ cubic yards of ashes and cinders retained for the use of the contracting officer as provided by contract PBP-13, dated June 23, 1926, and covered into the Treasury of the United States, along with other money received from said contractor as "Miscellaneous receipts, proceeds of Government property," and to allow in full and final settlement of said claim not to exceed $69.81. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $69.81, or so much thereof as may be necessary, to pay this claim.

LESLIE W. MORSE

The bill (S. 5199) for the relief of Leslie W. Morse was announced as next in order.

Mr. SHIPSTEAD. Over.

The PRESIDING OFFICER. The bill goes over under objection.

NATIONAL DRY DOCK AND REPAIR CO.

The bill (S. 5200) for the relief of the National Dry Dock and Repair Co. (Inc.) was considered and was read, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of the National Dry Dock and Repair Co. (Inc.) for damages resulting from the action of the Government in canceling a proposal accepted March 11, 1930, for certain repair work to the steamer *Pickering*, and to allow in full and final settlement of said claim the sum of not to exceed $204. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $204, or so much thereof as may be necessary, for payment of the claim.

Mr. McKELLAR. Mr. President, I have no doubt that most of these cases, perhaps all of them, are all right, but I do not think the Senate ought to pass the bills without some information, so I make the same suggestion that I made a while ago to the Senator from Maine [Mr. HALE], who had charge of the bills then before the Senate. I ask the chairman of the Committee on Claims if he will not tell us something about each one.

Mr. HOWELL. I would be glad to do so if there is any desire to be informed as to the bills. With reference to the bill now under consideration, it is a bill to pay $204.

Mr. McKELLAR. The Senator need not go any further than that. If that is all that is involved, I will let it go. I am sorry I interfered even momentarily.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. O. SMITH

The Senate proceeded to consider the bill (S. 5201) for the relief of C. O. Smith, which was read, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of C. O. Smith for loss or damages sustained on account of the Government's destruction of 2,800 pounds of seed cotton owned by him and which remained unharvested from a 7-acre tract of land leased to the Bureau of Entomology, Department of Agriculture, for experimental plots for cultural control investigation in re pink bollworm of cotton, under lease No. Ae-992, dated November 12, 1929, and to allow in full and final settlement of said claim not to exceed the sum of $168. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $168, or so much thereof as may be necessary to pay said claim.

Mr. HOWELL. Mr. President, this is a case where 7 acres of land were rented by representatives of the Agricultural Department, and it was agreed that a certain amount was to be paid per acre, but that the owner was to be allowed to harvest the cotton that was growing on the land. Workmen were sent to the land; they paid no attention to the agreement, and the consequence was that the seed cotton was lost.

Mr. McKELLAR. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2008) for the relief of National Ben Franklin Fire Insurance Co. was announced as next in order.

Mr. BRATTON. I ask that that bill go over.

The PRESIDING OFFICER. The bill will go over under objection of the Senator from New Mexico.

COMMISSIONER OF LABOR FOR PORTO RICO

The bill (S. 5138) to amend the organic act of Porto Rico, approved March 2, 1917, was announced as next in order.

Mr. McKELLAR. I ask that the bill go over. It relates to an important matter that ought to be considered when we have more time.

Mr. BINGHAM. Mr. President, it will take but a moment to dispose of the bill, I think. It looks more important than it really is.

Mr. McKELLAR. I withhold the objection for the purpose of letting the Senator explain the bill.

Mr. BINGHAM. The only thing this bill does is to satisfy the wishes of the Labor Party of Porto Rico by providing that the labor interests shall be represented in the cabinet of the island.

It proposes to separate the duties which are now given the commissioner of agriculture and labor, so that those duties now performed by one individual may be performed by two. Heretofore the commissioner has been more interested in agriculture and the development of lands for agriculture than in the laboring man. This measure, which is approved by all parties in Porto Rico and by the administration and by the governor, sets up a new commissioner, to be known as the commissioner of labor, and gives the commissioner of agriculture slightly additional duties in connection with agriculture and commerce. There is no objection whatsoever to the bill, and it will not increase materially the expenses of the government of the island. I hope the Senator will not object.

Mr. McKELLAR. Does it involve any appropriation out of the Federal Treasury?

Mr. BINGHAM. It involves no appropriation out of the Federal Treasury.

Mr. McKELLAR. I notice that the commissioner is to be allowed such sum for stationery and the payment of necessary clerk hire as is now allowed for Representatives of the United States. The bill also increases the number of commissioners, does it not?

Mr. BINGHAM. It increases the number by one. It provides for a commissioner of labor where formerly there was one person who acted as commissioner of agriculture and of labor. The laboring people of Porto Rico and the American Federation of Labor, which had a representative at the hearing, said they thought that the interest of the laboring man in Porto Rico would be better looked after if there was a commissioner of labor. It will increase the expense only in a very small way, probably not more than $1,200. The people of Porto Rico are very anxious to have this action taken, and I hope the Senator will not object to the bill. The committee held hearings on it, and there was no objection to it on the part of anyone.

Mr. McKELLAR. Is there a unanimous report from the committee?

Mr. BINGHAM. The bill was reported unanimously.

Mr. McKELLAR. Very well.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That section 13 of an act entitled "An act to provide a civil government for Porto Rico, and for other purposes,"

approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 13. That the following executive departments are hereby created: A department of justice, the head of which shall be designated as the attorney general; a department of finance, the head of which shall be designated as the treasurer; a department of interior, the head of which shall be designated as the commissioner of the interior; a department of education, the head of which shall be designated as the commissioner of education; a department of agriculture and commerce, the head of which shall be designated as the commissioner of agriculture and commerce; a department of labor, the head of which shall be designated as the commissioner of labor; and a department of health, the head of which shall be designated as the commissioner of health. The attorney general and commissioner of education shall be appointed by the President, by and with the advice and consent of the Senate of the United States, to hold office for four years and until their successors are appointed and qualified, unless sooner removed by the President. The heads of the five remaining departments shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico. The heads of departments appointed by the governor shall hold office for the term of four years and until their successors are appointed and qualified, unless sooner removed by the governor.

"Heads of departments shall reside in Porto Rico during their official incumbency, and those appointed by the governor shall have resided in Porto Rico for at least one year prior to their appointment.

"The heads of departments shall collectively form a council to the governor, known as the executive council. They shall perform, under the general supervision of the governor, the duties hereinafter prescribed, or which may hereafter be prescribed by law, and such other duties, not inconsistent with law, as the governor, with the approval of the President, may assign to them; and they shall make annual and such other reports to the governor as he may require, which shall be transmitted to the executive department of the Government of the United States to be designated by the President as herein provided: *Provided*, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation."

SEC. 2. That section 18 of the said organic act, approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 18. That the commissioner of agriculture and commerce shall have general charge of such bureaus and branches of government as have been or shall be legally constituted for the study, advancement, and benefit of agriculture, commerce, and other industries; the chief purpose of this department being to foster, promote, and develop the agricultural interests and the welfare of the farmers of Porto Rico; to improve their market conditions, and to advance their opportunities for profitable sale of their products, and shall perform such other duties as may be prescribed by law."

SEC. 3. That between sections 18 and 19 of said organic act, approved March 2, 1917, a new section is hereby inserted to read as follows:

"SEC. 18 (a). That the commissioner of labor shall have charge of such bureaus and branches of government as have been or shall be legally constituted to foster and promote the welfare of the wage earners of Porto Rico; to improve their working conditions, and to advance their opportunities for profitable employment, and shall perform such other duties as may be prescribed by law."

PROTECTION OF FOREST LANDS IN PORTO RICO

The Senate proceeded to consider the joint resolution (S. J. Res. 132) extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to Porto Rico, which was read, as follows:

*Resolved, etc.*, That the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924, are herewith extended to Porto Rico, and the Secretary of Agriculture is hereby authorized to cooperate with the appropriate officials of Porto Rico on the same terms and conditions as with the States: *Provided*, That not to exceed fifty thousand acres of land may be acquired in Porto Rico under section 6 of the aforesaid act of Congress approved June 7, 1924.

Mr. McKELLAR. Mr. President, we should have an explanation of that joint resolution.

Mr. BINGHAM. Mr. President, the joint resolution permits the Department of Agriculture to extend a little further in Porto Rico the work it is now doing, and provides for the setting apart of a certain acreage of lands in the mountains of Porto Rico for forest-reserve purposes. The bill is approved by the department. It is not a very serious matter; but it will help the people of Porto Rico, who have suffered very considerably due to the great floods in the streams in times of heavy rains, by keeping the water back in the mountains.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McKELLAR subsequently said: Mr. President, I desire to give notice in regular form of motions to reconsider Orders of Business 1330 and 1331, Senate bill 5138 and Senate Joint Resolution 132. I call the attention of the Senator from Connecticut to the matter, and will say to him that before the next call of the calendar I will examine these measures, some of which I think have far-reaching effect, and will consult with him about them, and I hope to be able to agree with him that they are what he thinks they are.

The PRESIDENT pro tempore. In the meantime the motion will be entered.

Mr. BINGHAM. Mr. President, instead of entering that motion, if the Senator wishes now to object, since this is a session at which only unobjected bills may be considered, if the Senator insists on his objection I shall enter no objection to a reconsideration.

Mr. McKELLAR. They can take either course.

Mr. BINGHAM. Let them go back to the calendar.

The PRESIDENT pro tempore. Then, by unanimous consent, the Senate recurs to the consideration of Senate bill 5138 and Senate Joint Resolution 132, and they will be passed over.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HEFLIN. In the case of the measures to which the Senator from Tennessee objected a little while ago, I think the proper method would have been to ask unanimous consent that the votes by which they were passed be reconsidered. Has that been done?

The PRESIDENT pro tempore. That was done.

VOCATIONAL EDUCATION IN PORTO RICO

The bill (S. 5139) to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico was announced as next in order.

Mr. McKELLAR. Mr. President, I should like to have an explanation of that bill.

Mr. BINGHAM. The Senator from Tennessee will realize——

Mr. McKELLAR. Yes; I realize, Mr. President, if the Senator will excuse me for a moment, that we are adding a great many provisions to the organic law of Porto Rico. I do not think we ought to do it under circumstances like these, and I am going to object.

The PRESIDING OFFICER. The bill will be passed over under objection. The Secretary will report the next bill on the calendar.

Mr. BINGHAM. Will the Senator withhold his objection for a moment?

Mr. McKELLAR. No; I do not think this is the way to pass legislation affecting the organic act of Porto Rico.

The PRESIDING OFFICER. The Senator insists on his objection. When the next bill shall have been read, the Chair will recognize the Senator from Connecticut, if he desires to speak on the bill.

PROPOSED LEGISLATION AFFECTING PORTO RICO

The bill (S. 5285) to amend the organic act of Porto Rico, approved March 2, 1917, was announced as next in order.

Mr. McKELLAR. I ask that the bill go over.

Mr. BINGHAM. Mr. President, this is a very minor matter, but the people of Porto Rico are much interested in it, and the Porto Rican Legislature has sent a request, which was printed in the RECORD a little while ago, and which the Senator will find in the report, asking for the passage of these measures which are not objected to in any way. The committee has held hearings.

Mr. McKELLAR. I will say to the Senator that I will be glad to examine them before the calendar shall again be called, but I do not think that the laws of Porto Rico ought to be dealt with in this hurried way.

Mr. BINGHAM. The Delegate from Porto Rico in the other House of Congress appeared before the committee and asked for the passage of these measures. They have been fully explained; there has been no attempt to do anything the people of Porto Rico are not requesting.

The PRESIDING OFFICER. Does the Chair understand the Senator from Tennessee to insist on his objection?

Mr. McKELLAR. I insist on my objection.

The PRESIDING OFFICER. The bill will be passed over under objection. The next bill on the calendar will be stated.

The bill (S. 5416) to provide for the filling of certain vacancies in the Senate and House of Representatives of Porto Rico was announced as next in order.

Mr. McKELLAR. I ask that that bill go over.

The PRESIDING OFFICER. The bill will go over under objection.

BILL PASSED OVER

The bill (S. 2832) to amend section 319 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, was announced as next in order.

Mr. McKELLAR. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ADMIRALTY LAWS OF VIRGIN ISLANDS

The bill (S. 3463) to extend the admiralty laws of the United States of America to the Virgin Islands was announced as next in order.

Mr. McKELLAR. Let that bill go over.

Mr. BINGHAM. Will the Senator withhold his objection for a moment?

Mr. McKELLAR. Yes.

Mr. BINGHAM. All that this bill does is to enable the admiralty laws of the United States, which are in English, to apply to the Virgin Islands. At the present time the admiralty laws of the Virgin Islands are in Danish and are in very fragmentary form, and it is extremely difficult to carry out the law. It is much better, since the islands belong to us, that they should come under the admiralty laws of the United States. The bill has been reported unanimously by the committee; there is no objection whatsoever to it. I can not understand the Senator's reason for objecting.

Mr. McKELLAR. I object to it for the reason that we are interfering with the organic laws of territories of the United States, and I am going to examine into the questions involved before I permit them to pass, if I am able, and therefore I object.

Mr. BINGHAM. This bill has nothing to do with the organic law of any territory.

Mr. McKELLAR. That may be so; the Senator can have his own view as to that; but so far as bills of this character are concerned, I am not going to allow any more of them to pass to-night until I can examine them myself, and I want to have an opportunity to do so.

The PRESIDING OFFICER. The bill will be passed over under objection.

STATUE OF MAJ. GEN. JOHN A. RAWLINS

The joint resolution (S. J. Res. 228) to provide for the relocation of the statue of Maj. Gen. John A. Rawlins was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Resolved, etc.*, That the Director of Public Buildings and Public Parks of the National Capital is authorized and directed to cause the statue of Maj. Gen. John A. Rawlins to be erected in Rawlins Park, United States Reservation No. 13, District of Columbia, upon its removal from its present location as authorized in the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926. The exact site selected in such park shall be approved by the Commission of Fine Arts.

SEC. 2. For the preparation of the new site and the erection of such statue thereon there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500.

UPSON-WALTON CO.

The Senate proceeded to consider the bill (S. 13) for the relief of the Upson-Walton Co., which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred upon the Court of Claims and/or the district court of the United States, notwithstanding the lapse of time or the statute of limitations, to hear, determine, and render judgment of the claim of Upson-Walton Co., of Cleveland, Ohio, for the cancellation on January 19, 1920, of a contract with the United States Shipping Board Emergency Fleet Corporation for 12 complete sets of ship rigging: *Provided*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN SHIPOWNERS

The Senate proceeded to consider the bill (S. 1367) for the relief of Amos D. Carver, S. E. Turner, Clifford N. Carver, Scott Blanchard, P. B. Blanchard, James B. Parse, A. N. Blanchard, and W. A. Blanchard, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Amos D. Carver, S. E. Turner, Clifford N. Carver, Scott Blanchard, P. B. Blanchard, James B. Parse, A. N. Blanchard, and W. A. Blanchard, owners of the schooner *Betsy Ross*, the sum of $35,916.68 in full and final settlement of all claims against the Government for loss or losses which they may have suffered by reason of the interference of the United States Shipping Board or other governmental agencies with the schooner *Betsy Ross* at the Port of Melbourne, Australia, on or about April 5, 1918.

Mr. McKELLAR. Mr. President, I should like to have an explanation of this bill by the Senator who reported it. Quite a large sum, $35,000, is involved.

Mr. BLACK. Mr. President, I will be glad to explain the bill. It is a measure for the relief of certain shipowners, who during the war fitted up a schooner to go from the Pacific coast to Australia carrying a cargo of lumber. They had equipped the vessel so that it might return with a cargo of chrome ore. When the ship arrived at Australia the Government of the United States directed that it should not bring back chrome ore but should return with a cargo of wheat. The ship having been equipped for the carrying of chrome ore, and a rate having been agreed upon for the transportation of such ore, the shipowners would have received some profit from the entire trip.

However, without the Government actually requisitioning the ship under legal form, the shipowners finally, after much protest, agreed to return with a cargo of wheat. Thereafter they brought suit against the United States Government on the theory that the ship had been requisitioned. The Court of Claims awarded a judgment of about $120,000, with interest, amounting in all to about $175,000. The case went to the Supreme Court of the United States, and the Supreme Court held that there had been no legal requisition, and the owners were therefore deprived of recovering under the general law, which they could have proceeded under if there had been a legal requisition. So they were deprived of recovering in that suit merely by reason of the fact that they did not require the Government to requisition the ship under the law.

The question came before the Claims Committee, and that committee reached the conclusion that the shipowners were entitled to recover if they had sustained any actual losses. We made an investigation and discovered that the shipowners were actually out of pocket to the extent of the amount which is recommended, namely, $35,000. If this bill shall pass, it will do no more than take care of their out-of-pocket expenses; they will not make one dime of profit from the trip.

Mr. KING. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator from Utah.

Mr. KING. Does not the Senator think it is rather a bad precedent for us to legislate because of an alleged breach of contract or because of a tort? Why not, if we think there is some justice in the claim, send it to the Court of Claims, so that the court may ascertain the damages and award judgment?

Mr. BLACK. I will be glad to answer that question; it is a pertinent inquiry. When I reported this bill, as a subcommittee appointed to investigate the claim, I stated to the committee that I would recommend that either one of two courses be taken: Either we ourselves should investigate and fix the amount of damages or submit the case to the Court of Claims. I am very frank to say to the Senator that, after a very careful inquiry, it is my judgment that the Government of the United States will make a number of thousands of dollars by the settlement, and that if the case should go to the Court of Claims a judgment would probably be rendered for far more than the $35,000. That was the reason why the committee thought it wise to accept the settlement after a careful investigation had been made as to the out-of-pocket expense.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator from New York [Mr. WAGNER], who introduced the bill, provided in it originally that the claim should go to the Court of Claims.

Mr. BLACK. That is correct.

Mr. McKELLAR. Is not that a fair way to handle the case? Suppose reference to that court should result in a larger judgment against the Government than $35,000? If the ship owners are entitled to more, and the Court of Claims holds that they are entitled to more, why should they not have more? It seems to me it would be very much better to let cases of this kind be disposed of in that way. The claimants fought it out in court once before. Why should they not proceed in the court after we have given the court jurisdiction to determine the facts?

Mr. BLACK. The claimants fought it out before on a basis of damages entirely separate and distinct from the measure of damages which the committee thought to be just. We did not believe, for instance, that they should be entitled to recover any loss of profits; we so determined, and fixed the damages on that basis. Having arrived at what we believed was a just amount for them to recover, it did not seem to us that it was proper either for the Government or for the claimants to go to the expense and taking the long time involved in prosecuting an action in the Court of Claims. I will state to the Senator that either course was declared to be satisfactory to the claimants, but after conference we reached the conclusion which I have stated. It is immaterial to me; either course will be satisfactory.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLOOD CONTROL IN YELLOW CREEK, KY.

The bill (H. R. 11230) to authorize a preliminary examination of Yellow Creek and other tributaries of the Cumberland River in and about the city of Middlesboro, Ky., with a view to the control of their floods, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The Chair understands the Senator from Kentucky to object, and the bill will be passed over.

Mr. BARKLEY. Mr. President, I think there is some misunderstanding as to House bill 11230. The Chair announced that the bill went over on the objection of the Senator from Kentucky. That evidently is a mistake. We want the bill to pass. No Senator from Kentucky objected to it.

The PRESIDING OFFICER. Without objection, the Senate will recur to House bill 11230.

The bill was considered, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of Yellow Creek and other tributaries of the Cumberland River in and about the city of Middlesboro, Ky., with a view to the control of their floods in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 120) authorizing the President to reorganize the administration of the insular possessions was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

JAMES M. BOOTH

The Senate proceeded to consider the bill (S. 3050) for the relief of James M. Booth, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, to strike out "$5,000" and insert "$1,500," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, to James M. Booth, dependent father of Stancil Hume Booth, the sum of $1,500 on account of the death of his son, Stancil Hume Booth, who was killed while on duty at Fort Screven, Chatham County, Ga., on April 9, 1929, by coming in contact with an electric wire on a pole in the Government reservation at Fort Screven, Tybee Island, Chatham County, Ga., which pole and electric lighting system was the property of the United States Government and under its control.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER H. BRIGHT

The bill (S. 4726) for the relief of Alexander H. Bright was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle, adjust, and certify to Congress the claim of Alexander H. Bright in the sum of $573.50 in full settlement for damages to his Moth airplane by an Army airplane at Boston, Mass., on November 16, 1929.

DONALD K. WARNER

The bill (S. 5192) for the relief of Donald K. Warner was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Donald K. Warner, postmaster at Oakdale, Nebr., the sum of $869.17, being the amount of stamps and postal funds lost in the burglary of the post office on the night of December 13, 1928.

Mr. KING. Mr. President, there is no report accompanying the bill, and we are not permitted to ascertain the facts. I shall be very glad is some Senator can explain the case.

The PRESIDING OFFICER. Without objection, the vote whereby the bill was passed will be reconsidered, and the bill will go over under the objection of the Senator from Utah.

ADDITION TO WEST POINT MILITARY RESERVATION

The bill (S. 5732) to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation, was considered and was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to acquire, by purchase, condemnation, or otherwise, approximately 17,000 acres of land in Orange County, N. Y., as an addition to the West Point Military Reservation; and there is hereby authorized to be appropriated an amount not to exceed $1,500,000 for payment for the title to such land and the necessary expenses incident to its purchase.

Mr. KING. Mr. President, is there any necessity for that large appropriation?

Mr. REED. Yes, Mr. President. At the present time there is a good deal of danger in all of the target practice. I believe 200 yards is the maximum range for the small arms. They can not use field guns at all. There is no aviation field; and since the building of the Bear Mountain Bridge across the Hudson the travel there has about quadrupled. A lot of small residences are beginning to spring up, and if we are ever going to get the property we had better start to get it now.

Of course, this is only an authorization. It will take a good many years to complete the purchase.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER RAILROAD BRIDGE, DANVILLE, TENN.

The bill (S. 5519) granting the consent of Congress to Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Tennessee River at or near Danville, Tenn., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to Louisville & Nashville Railroad Co., a corporation organized and existing under the laws of the Commonwealth of Kentucky, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, at or near Danville, Tenn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Louisville & Nashville Railroad Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

NANCY HART

The Senate proceeded to consider the bill (S. 5246) to amend the act entitled "An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alfords Bridge, in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart," which had been reported from the Committee on Military Affairs with amendments, on page 2, line 10, after the word "Hart," to strike out "who, during the American Revolution, when a party of British Tories came to her home, which was located on what was then known as Fish Dam Ford on Broad River, single handed and alone, captured these Tories, killing one, wounding another, the others surrendering, and the living ones thereafter hanged by Nancy Hart and a few of her neighbors," and on the same page, line 19, to strike out "$1,560" and insert "$1,650," so as to make the bill read:

*Be it enacted, etc.*, That the act approved February 26, 1929 (Public, No. 811, Seventieth Congress), entitled "An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alfords Bridge, in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart," be, and the same is hereby, amended to read as follows:

"That the Secretary of War is hereby authorized to furnish and erect at some suitable point between Hartwell, Ga., and Alfords Bridge, which crosses the Savannah River in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, a tablet or marker to commemorate the memory of Nancy Hart.

"SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,650, or so much thereof as may be necessary, to carry out the provisions of this act."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAUDE J. CHURCH

The bill (S. 401) for the relief of Claude J. Church was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Claude J. Church, a citizen and resident of Monroe, La., the sum of $300 as compensation for injuries received by him when struck by a mass of ice and snow falling on him from the roof of the Federal building at Monroe, La., when in the act of entering the said building.

ENCAMPMENT OF UNITED CONFEDERATE VETERANS

The bill (H. R. 14266) authorizing and directing the Secretary of War to lend to the entertainment committee certain equipment to be used at the encampment of the United Confederate Veterans, to be held at Montgomery, Ala., in June, 1931, was considered, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the entertainment committee of the United Confederate Veterans, whose encampment is to be held at Montgomery, Ala., June 1, 2, 3, 4, and 5, 1931, 250 pyramidal tents, complete with all poles, pegs, and other equipment necessary for their erection; fifteen 16 by 80 by 40 foot assembly tents, complete with all poles, pegs, and other equipment necessary for their erection; thirty 11 by 50 by 15 foot hospital-ward tents, complete with all their poles, pegs, and equipment necessary for their erection; 20 field ranges, No. 1, with necessary equipment for their erection; 10 field bake ovens with necessary equipment for their erection; 50 water bags (for ice water); 10,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 10,000 bed sheets: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered from the nearest quartermaster depot at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the general chairman of the said entertainment committee, Mr. F. J. Cramton: *Provided further*, That the Secretary of War, before delivery of such property, shall take from said F. J. Cramton, general chairman of the Forty-first Annual Confederate Reunion, a good and sufficient bond for the safe return of said property in good order and condition and the whole without expense to the United States.

DANIEL S. SCHAFFER CO. (INC.)

The Senate proceeded to consider the bill (S. 1249) for the relief of Daniel S. Schaffer Co. (Inc.), which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$33,368.72" and insert "$17,765," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Daniel S. Schaffer Co. (Inc.) the sum of $17,765 to reimburse said Daniel S. Schaffer Co. (Inc.) for losses incurred by it during 1917 and 1918 as subcontractors for metal furring, lathing, plastering, and board lining in connection with the east and south wings of Bancroft Hall, of the groined arched ceiling of the mess hall and mess-hall extension of Bancroft Hall and of Isherwood Hall, both of said buildings forming a part of the United States Naval Academy at Annapolis, Md., the said contracts in connection therewith being known, respectively, as contracts Nos. 2416, 2416T, and 2437, and said sum is hereby appropriated.

The amendment was agreed to.

Mr. KING. Mr. President, some time ago—indeed, a number of years ago—Congress passed an act to authorize the presentation of claims growing out of war construction. It seems to me, as I recall that bill, that if the Daniel S. Shaffer Co. were entitled to relief, this claim ought to have been presented to the committee appointed by Congress some 6 or 8 or 10 years ago to deal with the matter.

If these war claims are to be resurrected or revamped and brought to our attention now, when the opportunity for the Government to meet the claims is past, it seems to me the Government is at a great disadvantage. I know that the Government was very generous in meeting the claims of persons who had done work in the construction of cantonments and other Government buildings and, indeed, in their execution of contracts with the Government where they claimed damages.

Mr. BLACK. Mr. President, I shall be glad to explain that bill and the bill which follows, which happened to be referred to me as a subcommittee. That is the extent of my knowledge.

During the war a law was passed which provided that if a contractor with the Government was put to extra expense by reason of any governmental orders with reference to wages or terms of work, the contractor should be allowed a credit for such increased expense. The law, however, was

not written in such a way as to give that benefit to a subcontractor.

The Daniel S. Shaffer Co. and Stillwell Bros. were both subcontractors. It happens that by reason of governmental orders they were put to a considerable amount of extra expense. The original governmental contractors were also put to extra expense. The Government audited the claims of both the contractors and the subcontractors. The Government paid the claims of the contractors. Certain increased expenses had become necessary by reason of governmental orders which they were compelled to comply with under the law. These bills were put in, one of them for $33,000, which I reduced under the governmental audit to $17,000. The next bill was put in for $27,000, which I reduced, as a member of the subcommittee, to $5,986.

Those are the facts with reference to these two bills. If these concerns had been contractors instead of subcontractors they would have been paid off at the same time that the contractors were paid—after the accounts had been audited. The committee took the position that it was not fair to permit the contractors to be relieved of the burden imposed by reason of the laws with which they must comply and at the same time deny exactly the same relief to the subcontractors who had suffered from the same cause.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. BLACK. I yield to the Senator.

Mr. KING. Is not the Senator in error in his premise that contractors were the only beneficiaries of that act? The Senator knows that there was scarcely a governmental contract in which subcontractors were not employed; and my recollection is that many, many subcontractors lodged their claims against the Government, and they were taken care of just the same as the contractors.

Mr. BLACK. I may state to the Senator that while I have not gone back to investigate the particular law, I took the word of the department—the Secretary of the Navy, I believe, on one of them—to the effect that the only reason why these men have not been paid was because they were subcontractors, and they were not authorized to pay a subcontractor under the law. Whether or not that was a wise law in the beginning, I do not know; I rather doubt it; but I do think that so long as they paid the contractor, a subcontractor who was at work on the same job, and who sustained the same loss from the same cause, is equally entitled to recover.

Mr. KING. I shall not object to the passage of the bill; but I ask the Senator if he will furnish us as soon as possible, so that if we desire to do so we can move to reconsider, information to the effect that the subcontractors were not permitted any relief by any statute.

Mr. BLACK. I may say to the Senator that he will find that information in the report, in the letters from the department, in which they refer to the law.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STILLWELL BROS. (INC.)

The Senate proceeded to consider the bill (S. 1671) for the relief of Stillwell Bros. (Inc.), which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$27,186.68" and insert "$5,986.92," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Stillwell Bros. (Inc.), the sum of $5,986.92, to reimburse said Stillwell Bros. (Inc.) for losses incurred by them as subcontractors in the performance of work done in the construction of a dock at the navy yard, Bremerton, Wash., in 1917, and said sum is hereby appropriated.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOMER N. HORINE

Mr. BARKLEY. Mr. President, I ask unanimous consent to recur to Order of Business 1216, House bill 1036, for the relief of Homer N. Horine.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request preferred by the Senator from Kentucky? The Chair hears none; and the Senate recurs to House bill 1036, for the relief of Homer N. Horine.

The bill was considered, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Homer N. Horine, who was a member of Company G, Fourth Regiment Kentucky Volunteer Infantry, shall hereafter be held and considered to have become a member of Company G, Fourth Regiment Kentucky Volunteer Infantry, on the 11th day of July, 1898, and shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a sergeant of that organization on the 1st day of November, 1898: *Provided*, That no back pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act.

ORANGE CAR & STEEL CO.

The bill (S. 4353) for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co., was announced as next in order.

SEVERAL SENATORS. Let that go over.

Mr. CONNALLY. Mr. President, was this bill objected to?

The PRESIDENT pro tempore. The Chair understood two Senators on the other side of the Chamber to have objected. At any rate, the Chair heard two voices say "Over."

Mr. CONNALLY. I did not understand that any objection was made. There was not any objection.

The PRESIDENT pro tempore. Very well.

The Senate proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, on page 1, line 7, after the words "authorized to," to strike out "bring suit against the United States for the recovery of any damage to, loss or losses or expenditures by, its predecessors, the said Southern Dry Dock & Ship Building Co., for shipbuilding plant amortization, clearing and dredging, and removal of ways, said damage, loss or losses, or expenditures being the result of any action taken by said company because of any statement or promise to, or agreement with, it or its agents or representatives, by officers, agents, or representatives of the United States Shipping Board or of the United States Shipping Board Emergency Fleet Corporation, or any other governmental agencies and resulting from or incident to its compliance with such statement or promise from or agreement with said United States Shipping Board or United States Shipping Board Emergency Fleet Corporation or the officers, agents, or representatives of either, for the construction of ships from and after July 21, 1917," and to insert "prosecute its alleged claim for plant amortization, dredging, and removal of outboardways to an amount not exceeding $176,665.42, as provided in article 3 of a certain agreement entered into on the 31st day of December, 1921, between Southern Dry Dock & Ship Building Co., a corporation organized and existing under the laws of the State of Texas, party of the first part, and the United States Shipping Board, representing the United States of America, acting by and through the United States Shipping Board Emergency Fleet Corporation, party of the second part, a corporation organized and existing under the laws of the District of Columbia," and on page 3, line 6, after the word "Company," to insert "within the limitations above set forth," so as to make the bill read:

*Be it enacted, etc.*, That the Orange Car & Steel Co., a corporation organized under the laws of the State of Texas, with headquarters at Orange, Tex., the successor of the Southern Dry Dock & Ship Building Co. and owner of its assets, is hereby authorized to prosecute its alleged claim for plant amortization, dredging, and removal of outboardways to an amount not exceeding $176,665.42, as provided in article 3 of a certain agreement entered into on the 31st day of December, 1921, between Southern Dry Dock & Ship Building Co., a corporation organized and existing under the laws of the State of Texas, party of the first part, and the United States Shipping Board, representing the United States of America, acting by and through the United States Shipping Board Emergency Fleet Corporation, party of the second part, a corporation organized and existing under the laws of the District of Columbia. Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear and consider such action and to enter decree or judgment against the United States for the amount of such damages, if any, as may be found to be due said Orange Car & Steel Co. as successor to said Southern Dry Dock & Ship Building Co. within the limitations above set forth. The right to sue hereby

granted is given notwithstanding any statute of limitation: *Provided, however,* That such action shall be brought and commenced within six months after this act becomes effective.

SEC. 2. That upon a final determination of this case if a decree or judgment is rendered against the United States there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay final judgment, which shall be paid to the said Orange Car & Steel Co., or its duly authorized attorneys of record, by the Secretary of the Treasury upon the presentation of a duly authenticated copy of said final decree or judgment.

Mr. FRAZIER. Mr. President, there is a long report on this bill—a report of 29 pages—and it carries an appropriation of $176,665, as I understand. I think it should go over.

Mr. CONNALLY. Mr. President, will the Senator yield a moment, until I can explain the bill?

The PRESIDENT pro tempore. Does the Senator from North Dakota withhold his objection?

Mr. FRAZIER. Yes; I will withhold it.

Mr. CONNALLY. I thank the Senator from North Dakota.

Mr. President, this bill carries no appropriation whatever, if I may correct the Senator from North Dakota. It simply remits this claimant to the Court of Claims, and permits it to try out the issue in the Court of Claims. It does not appropriate anything except, of course, that if a judgment is later obtained it appropriates money to pay the judgment.

This claimant settled its claim with the Shipping Board in part; and this permission to sue is only on the item upon which the Shipping Board and the claimant could not agree, and the right to prosecute which was specifically preserved to the claimant in the contract of settlement. This is the only way in which the claimant can ever get its day in court.

Mr. FRAZIER. I withdraw my objection.

Mr. JONES. Mr. President, I do not think this ought to be made an appropriation bill.

Mr. CONNALLY. I have no objection to making it an authorization.

Mr. JONES. I think it should only provide for rendering and entering judgment.

Mr. CONNALLY. If the Senator will offer an amendment to that effect, I will accept it.

Mr. JONES. I suggest that it be amended to provide that upon final determination a judgment may be rendered against the United States. Then that will be sent down in the regular way and an appropriation made for it.

Mr. CONNALLY. That will be all right.

The PRESIDENT pro tempore. What is the amendment proposed by the Senator from Washington?

Mr. JONES. I think I will move to strike out all of section 2. Then the court will enter a decree, of course, and that will come down in the regular form.

Mr. CONNALLY. I have no objection.

Mr. JONES. I move to strike out all of section 2.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WALTER J. BRYSON PAVING CO.

The Senate proceeded to consider the bill (S. 4434) for the relief of Walter J. Bryson Paving Co., which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$6,156.16" and insert "$3,500.50 in full and final settlement of all claims against the Government," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Walter J. Bryson Paving Co., out of any money in the Treasury not otherwise appropriated, the sum of $3,500.50, in full and final settlement of all claims against the Government for certain dredging work performed by said company in the improvement of the channel in the Anclote River, Fla.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHICAGO WORLD'S FAIR CENTENNIAL CELEBRATION

The bill (S. 5625) providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That there is hereby established a commission to be known as the Chicago World's Fair Centennial Commission, and to be composed of the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce; which commission shall serve without additional compensation and shall represent the United States in connection with the holding of an international exhibition, known as A Century of Progress, in the city of Chicago, in the State of Illinois, in the year 1933, in celebration of the one hundredth anniversary of the incorporation of Chicago as a municipality.

SEC. 2. (a) That for the purposes of more effectively carrying out the provisions of this resolution there is hereby created a commissioner of A Century of Progress (the Chicago World's Fair Centennial Celebration), whom the President is hereby authorized to appoint.

(b) That the commissioner shall be paid, out of the amount hereinafter provided by this resolution, such compensation as the commission shall authorize: *Provided,* That such salary shall not be in excess of $10,000 per annum.

(c) That the commission shall prescribe the duties of the commissioner and shall delegate such powers and functions to him as it shall deem advisable in order that there may be exhibited at A Century of Progress (the Chicago World's Fair Centennial Celebration) by the Government of the United States, its executive departments, independent offices, and establishments such articles and materials as illustrate the function and administrative faculty of the Government in the advancement of industry, the arts, and peace, demonstrating the nature of our institutions particularly as regards their adaptation to the wants of the people.

SEC. 3. That the commissioner may employ such clerks, stenographers, and other assistants as may be necessary and fix their reasonable compensations; purchase such material, contract for such labor and other services without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and exercise such powers as are delegated to him by the commission as hereinbefore provided; and, in order to facilitate the functioning of his office, may subdelegate such powers (authorized or delegated) to officers and employees as may be deemed advisable by the commission.

SEC. 4. That the heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with the commissioner in the procurement, installation, and display of exhibits; to lend to A Century of Progress (the Chicago World's Fair Centennial Celebration), with the knowledge and consent of the commissioner, such articles, specimens, and exhibits which the commissioner shall deem to be in the interest of the United States to place with the science or other exhibits to be shown under the auspices of that corporation; to contract for such labor or other services as shall be deemed necessary without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and to designate officials or employees of their departments or branches to assist the commissioner, but no such official or employee so designated shall receive a salary in excess of the amount which he has been receiving in the department or branch where employed plus such reasonable additional allowance for expenses as may be deemed proper by the commissioner. At the close of the exposition, or when the connection of the Government of the United States therewith ceases, the commissioner shall cause all such property to be returned to the respective departments and branches from which taken, and any expenses incident to the restoration of such property to a condition which will permit its use at subsequent expositions and fairs, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations may be paid from the appropriation provided; and if the return of such property is not practicable, he may, with the consent of the department or branch from which it was taken, make such disposition thereof as he may deem advisable, and account therefor.

SEC. 5. That the sum of $1,725,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, of which sum not to exceed the sum of $550,000 may be expended for the erection of such building, or group of buildings, and/or for the rental of such space, as the commission may deem adequate to carry out effectively the provisions of this resolution; for the decoration of such structure or structures; for the proper maintenance of such buildings, site, and grounds during the period of the exposition. The commission may contract with A Century of Progress (the Chicago World's Fair Centennial Celebration) for the designing and erection of such building or buildings and/or for the rental of such space as shall be deemed proper. The remaining portion of the appropriation authorized under this resolution shall be available for the selection, purchase, preparation, assembling, transportation, installation, arrangement, safe-keeping, exhibition, demonstration, and return of such articles and materials as the commission may decide shall be included in such Government

exhibit and in the exhibits of A Century of Progress (the Chicago World's Fair Centennial Celebration); for the compensation of the commissioner and employees in the District of Columbia and elsewhere, for the payment of salaries of officers and employees of the Government, employed by or detailed for duty with the commission, and for their actual traveling expenses and subsistence or for per diem in lieu thereof at rates to be prescribed by the commission (notwithstanding the provisions of any other act); for telephone service, purchase of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers, and all other publications, ice and drinking water for office purposes: *Provided*, That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes may be made in advance; for purchase of passenger-carrying automobiles, their maintenance, repair, and operation, for the official use of the commissioner and his assistants; for printing and binding; for such entertainment and all other expenses as may be deemed necessary by the commission to fulfill properly the purposes of this resolution. All purchases, expenditures, and disbursements, under any appropriations which may be provided by authority of this resolution, shall be made under the direction of the commission; may be made in open market without compliance with section 3709 of the Revised Statutes of the United States (U. S. C., title 41, sec. 5), in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed $1,000 in any instance; shall not be subject to the provisions of any law, other than this resolution, regulating or limiting the expenditure of public money or the employment of personnel; and the approval of the commission shall in every case be final: *Provided*, That the commission, as hereinbefore stipulated, may delegate these powers and functions to the commissioner, and the commissioner, with the consent of the commission, may subdelegate them: *And provided further*, That the commission or its delegated representative may authorize the allotment of funds to any executive department, independent office, or establishment of the Government with the consent of the heads thereof for direct expenditure by said executive department, independent office, or establishment for the purpose of defraying any expenditure which may be incurred by said executive department, independent office, or establishment in executing the duties and functions delegated to said office by the commission; and all accounts and vouchers covering expenditures under these appropriations shall be approved by the commissioner or such assistants as he may delegate, except for such allotments as may be made to the various executive departments and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit or permit any obligations to be incurred in excess of the amount authorized to be appropriated.

SEC. 6. That the commissioner, with the approval of the commission, may receive from any source contributions to aid in carrying out the general purposes of this resolution, but the same shall be expended and accounted for in the same manner as any appropriation which may be made under authority of this resolution. The commissioner is also authorized to receive contributions of material, or borrow material or exhibits, to aid in carrying out the general purposes of this resolution; and at the close of the exposition or when the connection of the Government of the United States therewith ceases, shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property, and provide for the restoration of such borrowed property to a condition which will permit its use at subsequent expositions or fairs, or for reimbursement thereof to the owners in the event of damage to said property; and, under the direction of the commission, dispose of any buildings which may have been constructed and account therefor.

SEC. 7. That it shall be the duty of the commission to transmit to Congress, within six months after the close of the exposition, a detailed statement of all expenditures, and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference.

SILVER SERVICE OF BATTLESHIP "UTAH"

The bill (S. 5069) authorizing the Secretary of the Navy to deliver to the State of Utah the silver service which was in use on the battleship *Utah*, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the State of Utah for preservation and exhibition the silver service which was in use on the battleship *Utah: Provided*, That no expense shall be incurred by the United States for the delivery of such silver service.

BOWL AND LADLE FORMERLY IN USE ON U. S. S. "PRINCETON"

The bill (S. 4907) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia the bowl and ladle formerly in use on the U. S. S. *Princeton* was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Princeton Club of Philadelphia, for preservation and exhibition, the bowl and ladle formerly in use on the United States ship *Princeton: Provided*, That no expense shall be incurred by the United States for the delivery of such bowl and ladle.

CONSTRUCTION OF CERTAIN NAVAL VESSELS

The bill (S. 5288) to authorize the construction of certain naval vessels and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CLASSIFICATION OF CERTAIN MAIL MATTER

The Senate proceeded to consider the joint resolution (H. J. Res. 357) classifying certain official mail matter, which had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 1, line 5, after the word "for," to strike out the words "public documents," and to insert in lieu thereof the words, "mail of the first and fourth classes," so as to make the bill read:

*Resolved, etc.*, That hereafter the limit of official matter mailed by any person having the franking privilege to his own address shall be the same as that for mail of the first and fourth classes.

Mr. ROBINSON of Arkansas. What is this measure?

Mr. KING. I do not know what the joint resolution means.

Mr. PHIPPS. Mr. President, while the Senator from New Mexico [Mr. BRATTON] is consulting his notes, I may say that it relates to the shipment under the mailing privilege of personal possessions which a Senator or Representative may desire to return to his office. It may be his records, his office documents. At the present time there is a limit of 4 pounds on the weight of any single package which may be sent under the franking privilege. The bill as modified would simply make it ordinary mail matter of a certain class that it would come under and observe those limitations only, because packages exceeding 70 pounds in weight are not easily handled by one employee of the Postal Department.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. PHIPPS. Certainly.

Mr. KING. Suppose a Senator desires to send, for instance, a large number of documents published by the Government to a school or to a library. Is there any limitation on that?

Mr. PHIPPS. Yes; at the present time he must put them up in packages weighing not to exceed 4 pounds, and it is to avoid that inconvenience that this weight limit is being raised—that is, it is put under the regular classification.

Mr. ROBINSON of Arkansas. This liberalizes the existing law?

Mr. PHIPPS. It liberalizes it without making it so wide open that anyone could abuse the franking privilege.

Mr. HEFLIN. Mr. President, I suggest to the Senator that if a Senator is franking something which is frankable, it would be much more convenient for the Government to handle a mail sack full of books which are frankable, than to handle so many different packages.

Mr. PHIPPS. The Senate committee has amended the original bill which came from the House for that very reason, to get the packages into convenient parcels, without leading to abuse of the franking privilege.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

PUBLIC BUILDINGS AND WORKS OUTSIDE THE DISTRICT OF COLUMBIA

The bill (H. R. 14255) to expedite the construction of public buildings and works outside of the District of Colum-

bia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain was announced as next in order.

Mr. JOHNSON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF FEDERAL FARM LOAN ACT

The bill (H. R. 12063) to amend section 16 of the Federal farm loan act was announced as next in order.

Mr. METCALF. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CHIPPEWA INDIAN TREATY MEMORIAL

The Senate proceeded to consider the bill (H. R. 5271) authorizing the Secretary of the Interior to acquire land and erect a monument at the site near Crookston, in Polk County, Minn., to commemorate the signing of a treaty on October 2, 1863, between the United States of America and the Chippewa Indians.

The bill was ordered to a third reading, read the third time, and passed.

GOVERNMENT FOR AMERICAN SAMOA

The Senate proceeded to the consideration of the bill (S. 5621) to provide a government for American Samoa, which was read, as follows:

*Be it enacted, etc.—*

CHAPTER I—GENERAL PROVISIONS

DEFINITIONS

SECTION 1. That the phrase "the laws of American Samoa," as used in this act without qualifying words, shall mean the laws of American Samoa in force on the 16th day of October, 1930.

The statute law of American Samoa then in force as set forth in a compilation made by A. M. Noble under the authority of the governor of American Samoa and published in one volume in 1921, entitled "Codification of the Regulations and Orders for the Government of American Samoa" and the amendments thereto, as certified to by G. S. Lincoln, governor of American Samoa on October 16, 1930, as "a complete and accurate copy of all existing laws, rules, and regulations which apply to the inhabitants of American Samoa," and in the "Customs, Immigration, and Harbor Regulations of American Samoa," printed in one volume, and certified as a correct and accurate copy on said date by said governor, are referred to in this act as "Codification" and "Customs Regulations." That all laws not appearing in the "Codification" and "Customs Regulations" are hereby repealed.

SEC. 2. That the islands acquired by the United States of America under the act of Congress entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes," approved February 20, 1929, and the act of Congress entitled "Joint resolution extending the sovereignty of the United States over Swains Island and making the island a part of American Samoa," approved March 4, 1925, shall be known as American Samoa.

CITIZENS; BODY POLITIC

SEC. 3. That a provincial government is hereby established over the said American Samoa with its capital at Pagopago (Fagatoga) on the island of Tutuila. That it shall not enter into any treaty, alliance, or confederation. That all persons of full or part Polynesian blood who were inhabitants of American Samoa on February 20, 1929, and their children born subsequent thereto, are hereby declared to be citizens of the United States of America. Those inhabitants of American Samoa of full or part Polynesian blood who, on said date, were residing on the mainland of the United States or in the Territory of Hawaii may, within two years after the taking effect of this act, file declarations in a district court of the United States to record their status as such, and those inhabitants of full or part Polynesian blood then residing elsewhere or engaged in foreign travel similarly may file such declarations with the Governor of American Samoa.

The people of American Samoa through the legislative authority of that government shall determine from time to time the qualifications necessary for citizenship in American Samoa, but no person shall be qualified to become a citizen of American Samoa who is not a citizen of the United States, nor shall American Samoan citizenship be denied to any person of full or part Polynesian blood, otherwise qualified.

And until otherwise provided by law citizens of American Samoa shall be those persons of full or part Polynesian blood, being citizens of the United States by virtue of this act, who have resided in American Samoa for the five years preceding the taking effect of this act, and all other persons of full or part Polynesian blood who, being American citizens, shall have resided in American Samoa for five years.

They shall constitute a body politic under the name of the people of American Samoa, with governmental powers as in this act set forth and with power to sue and be sued as such.

BILL OF RIGHTS

SEC. 4. No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized. No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself. In all criminal prosecutions the accused shall have the right to a speedy and public trial; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in American Samoa. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion or imminent danger thereof the public safety shall require it. No ex post facto law shall be passed. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 5. That, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, shall have the same force and effect within American Samoa as elsewhere in the United States: *Provided*, That sections 1453 to 1485, inclusive, and sections 1487 to 1489, inclusive, title 48, United States Code, and the amendments thereof, shall not apply to American Samoa, nor shall there apply to American Samoa any law of the United States dealing with or covering the following general subjects: Public lands, immigration, internal revenue, tariff, and income tax, unless specifically so made applicable by the act of Congress.

The provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from any port of the United States to another port of the United States shall not be applicable to foreign vessels engaging to trade between the islands of American Samoa or between those islands and the United States.

SEC. 6. That the laws of American Samoa not inconsistent with the provisions of this act shall continue in force, subject to repeal or amendment by the legislative authority of American Samoa or the Congress of the United States.

SEC. 7. That the laws of American Samoa as set forth in the following sections of the codification and relating to the following subjects, are hereby repealed: Codification, section 3, form of government, paragraphs 4, 26, 33, 39, 42, and 45, and last sentence in paragraph 10; section 7, oaths; section 71, alienation of native lands, paragraph 7; section 99, taxation of visitors.

SEC. 8. That the laws of American Samoa as set forth in the following sections of the codification, and relating to the following subjects, are hereby amended as follows: Section 3, form of government, paragraph 1, delete "The laws of the United States shall be considered to be in force in American Samoa, subject, nevertheless, to the provisions of this declaration and such laws and regulations as shall, from time to time, be promulgated by the Governor of American Samoa, and"; paragraph 3, line 7, delete "for enactment by the governor, upon his approval"; paragraph 11, delete from the first sentence "and shall hold courts as directed by the governor" and insert at the beginning of the sentence: "Except as otherwise provided"; paragraph 17, delete "the jail at the United States naval station" and insert "jail"; paragraph 19, delete "and approved of by the governor"; in paragraphs 14, 20, and 30 delete the word "natives" and insert "citizens of America Samoa," and delete the word "foreigners" and insert "those not citizens of American Samoa"; paragraph 27, delete "governor" and insert "chief justice"; paragraph 34, delete "His duties shall be to act as secretary to the governor, to," and insert "The Attorney General shall," and delete "under the instructions of the governor, and shall take the oath prescribed by law upon taking office" and insert "as prosecuting attorney in all felonies"; paragraph 35, delete the second and third sentences and insert "The head of the department, with the title of 'public health officer,' shall be appointed by the governor"; paragraph 43, delete "in the administration building, naval station"; paragraph 46, delete the last sentence and insert "The governor shall call the Fono in extraordinary session whenever in his judgment the public interest requires it"; paragraph 47, in line 2, delete "answers to the" in line 3, delete "published in the proclamation and on those," and delete the second sentence; section 8, Pay of native judicial officials, paragraph 1, in lines 9 and 10, delete "the governor shall prescribe" and insert "by law provided," and in line 11 before "compensation" insert "additional"; paragraph 2, delete in line 6 "the governor may prescribe" and insert "by law provided," and in the last line delete "governor" and insert "chief justice"; paragraph 3, delete "governor" and insert "chief justice"; section 16, Bank of American Samoa, paragraph 4, delete "Navy Department" and insert "governor"; section 17, Births and deaths, paragraph 6, delete "native" and insert "person of Polynesian blood" and delete "foreigner" and insert "person not of

Polynesian blood"; section 64, Immigration, paragraph 1, delete "foreign," paragraph 2, delete "a foreign" and insert "any," paragraph 3, at the end of the first sentence add "and until they have made such deposit they shall not be considered to have legally entered nor be entitled to remain in American Samoa," at the end of the second sentence delete "a foreign" and insert "any," and at the end of the third sentence delete "the governor find the person aforesaid undesirable for any reason" and insert "he be convicted of an offense against the laws of American Samoa," paragraph 5, in line 5 insert after "persons" the words "and also those who are not legally entitled to remain in American Samoa," paragraph 6, add "Persons also are undesirable who are not legally entitled to remain in American Samoa because of failure to make said deposit"; section 67, Department of Education, paragraph 2 (a) delete "the allotments of his department in the budget approved by the governor, and with the orders of the governor" and insert "law," paragraph 3, in line 4, delete "Samoans" and insert "citizens of American Samoa"; section 71, Alienation of native lands, paragraph 1, delete "aboriginal natives of the island of Samoa" and insert "citizens of American Samoa," paragraph 2 (as amended), delete "native Samoans" and insert "citizens of American Samoa," paragraph 3, delete "forty" and insert "twenty"; section 73, paragraph 1, delete "native land" and insert "land owned by citizens of American Samoa" and delete "forty (40)" and insert "twenty"; section 78, Marriage, paragraph 1, delete in line 3 "foreigners" and insert "persons who are not citizens of American Samoa," and in line 10, delete "foreigner" and insert "person," paragraph 8, delete "President of the," and delete "who" and insert in place thereof "which"; section 95, Dealings between Samoans and non-Samoans, paragraph 1, delete in line 2 "native Samoans" and insert "citizens"; section 98, Assessment and collection of taxes, paragraph 2 (as amended), delete "adjournment of the annual Fono" and insert "last Wednesday in October," and delete "in the administration building, naval station," and insert at the beginning of the last sentence thereof "Until otherwise by law provided," paragraph 3, insert at the beginning thereof "Until by law otherwise provided," paragraph 4, line 3, delete "Samoan" and insert "citizens of American Samoa and every male of part or full Polynesian blood who is not a citizen of American Samoa," and in line 4 delete "foreigner" and insert "other male person," paragraph 8, delete "foreigners" and insert "other male persons"; section 100, Traveling parties between American Samoa and Western Samoa, paragraph 3, delete "will then inform the Governor of Upolu, Savaii, and adjacent islands (known at the time of the original enactment of the regulation as German Samoa) of the full particulars of the intended 'malaga,' and upon a favorable reply being received from the Governor of Upolu, Savaii, and adjacent islands (known at the time of the original enactment of this regulation as German Samoa)," and delete "but if the Governor of Upolu, Savaii and adjacent islands (known at the time of the original enactment of this regulation as German Samoa) does not approve of the 'malaga' visiting the places under his rule, then no passes shall be granted"; section 102, Department of Communications, paragraph 3, subparagraph 1-a, delete "the allotments of his department in the budget approved by the governor, and with the orders of the governor" and insert "law"; section 103, Fiscal regulations of the government of American Samoa, delete all of this section beginning with paragraph 3 of subsection 2, so that the section as amended shall consist of five paragraphs, and delete paragraph 1 of subsection 1 and insert "There shall be a treasurer of the government of American Samoa who shall be appointed by the governor. He shall furnish a surety bond for the faithful performance of his duties in such sum as the governor shall fix. The premium on the bond shall be paid by the government of American Samoa;" and as set forth in the chapter in the Customs Regulations relating to the subject of customs are hereby amended in paragraph 8 thereof by deleting "the United States merchant marine act of June 5, 1920, applies to American Samoa," and those in the chapter in the Customs Regulations relating to the subject of immigration, which said chapter is section 64 of the codification, are hereby amended in conformity with the amendments above made to section 64.

SEC. 9. That wherever the words "president of the high court" or "an American judge" or "American district judge" or "foreign associate judges" or "foreign officials" or "secretary of native affairs" or "island government of American Samoa" or "regulation" or "declaration," or their equivalents, occur in the laws of American Samoa not repealed by this act, they are hereby amended to read "chief justice" or "other officials" or "attorney general" or "government of American Samoa" or "law" or "section," or their equivalents, as the context requires.

CERTAIN OFFICE ABOLISHED

SEC. 10. That the office of secretary of native affairs is hereby abolished.

STYLE OF PROCESS

SEC. 11. That the style of all process in the courts of American Samoa shall hereafter run in the name of "The People of American Samoa," and all prosecutions shall be carried on in the name and by the authority of the people of American Samoa.

CHAPTER II—THE LEGISLATURE

SEC. 12. The Legislature of American Samoa shall consist of one house, which shall be organized and shall sit according to the laws of American Samoa, as they are now or may be amended or modified: *Provided*, That the governor shall not be a member thereof. The legislature shall be styled the "Fono." It shall be the judge of the selection and qualifications of its own members. It shall choose its own officers, determine the rules of its procedure, not inconsistent with this act, and keep a journal.

SEC. 13. No idiot or insane person, and no person who shall be expelled from the Fono for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, whether with or without fine, shall sit in the Fono or hold any office in, or under, or by authority of the government, unless the person so convicted shall have been pardoned and restored to his civil rights. No person shall sit in the Fono who is not a citizen of American Samoa and who has not attained the age of 30 years nor resided in American Samoa for at least five years immediately preceding the sitting of the Fono.

OATH OF OFFICE

SEC. 14. That every member of the Fono and all officers of the government of American Samoa shall take the following oath or affirmation:

"I solemnly swear (or affirm) in the presence of Almighty God that I will faithfully support the Constitution and laws of the United States, and conscientiously and impartially discharge my duties as a member of the Fono or as an officer of the government of American Samoa (as the case may be)."

YEAS AND NAYS

SEC. 15. That the yeas and nays of the members on any question shall, at the desire of one-fifth of the members present, be entered on the journal.

QUORUM

SEC. 16. That a majority of the number of members to which the Fono is entitled shall constitute a quorum for the conduct of ordinary business, of which quorum a majority shall suffice; but the final passage of a law shall require the affirmative vote of a majority of the number of members to which the Fono is entitled.

SEC. 17. That a smaller number than a quorum may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the Fono may prescribe.

SEC. 18. That, for the purpose of ascertaining whether there is a quorum present, the chairman shall count the number of members present.

COMPENSATION OF MEMBERS

SEC. 19. That the members of the Fono shall receive no compensation for their services, but may be allowed mileage not in excess of 20 cents a mile each way.

EXEMPTION FROM LIABILITY

SEC. 20. That no member of the Fono shall be held to answer before any tribunal for any words uttered in his legislative functions in the Fono.

EXEMPTION FROM ARREST

SEC. 21. That the members of the Fono shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the Fono and in going to and returning from the same: *Provided*, That such privilege as going to and returning shall not cover a period of over 10 days each way.

DISTRICTS

SEC. 22. That for the purpose of representation in the Fono American Samoa is divided into the following districts:

The district of Falelima i sisifo (east), island of Tutuila;
The district of Falelima i sasa'e (west), island of Tutuila;
The district of Manua, the islands of Ofu, Olosega, and Tau;
Swains Island shall be administered separately.

SESSIONS OF THE FONO

SEC. 23. The first session of the annual Fono shall be held between the 1st and 15th day of November each year at Fagatoga.

The governor may convene the Fono in special session, or in case the seat of government shall be unsafe from an enemy, riot, or insurrection, or any dangerous disease, direct that any regular or special session shall be held at some other than the regular meeting place. All meetings of the Fono shall be open and public.

ENACTING CLAUSE

SEC. 24. That the enacting clause of all laws shall be, "Be it enacted by the people of American Samoa in Fono assembled."

TITLE OF LAWS

SEC. 25. Each law shall embrace but one subject, which shall be expressed in its title.

SIGNING BILLS

SEC. 26. That except as herein provided, all bills passed by the Fono shall, in order to be valid, be signed by the governor.

VETO OF GOVERNOR

SEC. 27. That every bill which shall have passed the Fono shall be certified by the presiding officer thereof and shall thereupon be presented to the governor. If he approves it, he shall sign it, and it shall become a law. If the governor does not approve of such bill, he may return it, with his objections, to the Fono.

He may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as whole.

PROCEDURE UPON RECEIPT OF VETO

SEC. 28. That upon the receipt of a veto message from the governor the Fono shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by yeas and nays, which shall be entered upon its journal.

If after such reconsideration such bill, or part of bill, shall be approved by a two-thirds vote of all members of the Fono, it shall become law if approved by the President of the United States. The President shall in his approval designate the date from which the law is effective. No bill vetoed by the governor and so reconsidered by the Fono shall have any validity unless the President shall so approve.

FAILURE OF GOVERNOR TO SIGN, VETO, OR RETURN BILL

SEC. 29. If the governor neither signs nor vetoes a bill within 10 days after it is delivered to him it shall become a law without his signature, unless the Fono adjourns sine die prior to the expiration of such 10 days. If any bill shall not be returned by the governor within 10 days (Sundays excepted), after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Fono by its adjournment prevents its return, in which case it shall not be a law.

APPROPRIATIONS

SEC. 30. That appropriations, except as herein otherwise provided, shall be made by the Fono.

SEC. 31. That the governor shall submit to the Fono estimates for appropriations for the succeeding period. He may submit also such bills to the Fono as he shall consider to be in the people's interest.

SEC. 32. That in case of failure of the Fono to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, and until the Fono shall have acted, the sums appropriated in the last appropriation bills shall be deemed to have been reappropriated.

And all legislative and other appropriations made prior to the date when this act shall take effect shall be available to the government of American Samoa.

LEGISLATIVE POWER

SEC. 33. That the legislative power of American Samoa shall extend to all rightful subjects of legislation not inconsistent with the provisions of this act and the laws of the United States locally applicable, but it shall not grant to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for agricultural, maritime, and industrial pursuits, and for the establishment and conduct of cemeteries. No divorce shall be granted by the Fono, nor shall any divorce be granted by the courts of American Samoa unless the applicant therefor shall have resided in American Samoa for one year next preceding the application; nor shall any lottery or sale of lottery tickets be allowed; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall any debt be authorized to be contracted by or on behalf of the government of American Samoa except to pay the interest on existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for that purpose the legislative authority of said government may authorize loans for the erection of penal, charitable, and educational institutions and for public buildings, wharves, roads, harbor, and other public improvements, but the total of such indebtedness incurred in any one year by said government shall not exceed 3 per cent of the assessed value of the property in American Samoa as shown by the last assessment for taxation, and the total indebtedness of the said government shall not at any time be extended beyond 10 per cent of such assessed value; nor shall any such loan be made upon the credit of the public domain or any part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than 30 years from the date of the issue thereof; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States: *Provided, however,* That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form maturing in substantially equal annual installments, the first installment to mature not later than 5 years from the date of the issue of such series and the last installment not later than 30 years from the date of such issue.

CHAPTER III—THE EXECUTIVE

THE EXECUTIVE POWER

SEC. 34. That the executive authority of the Government of American Samoa shall be vested in a governor, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold his office at the pleasure of the President and until his successor is chosen and qualified. The governor may be an active, retired, or reserve officer of the Navy or Army, or a person from civil life. If the governor shall be such an officer he shall be entitled to receive as salary any difference there may be between his pay as such officer and the salary attached to the office of Governor of American Samoa. The governor shall be not less than 30 years of age; shall be a citizen of the United States; shall be commander in chief of the militia of American Samoa; and may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of American Samoa, and reprieves against the laws of the United States, until the decision of the President is made known thereon.

He shall annually, and at such other times as he may be required, make official report of the transactions of the Government of American Samoa to the Executive Department of the Government of the United States to be designated by the President of the United States, and such annual report shall be transmitted to Congress.

ENFORCEMENT OF LAW

SEC. 35. That the governor shall be responsible for the faithful execution of the laws of the United States and of American Samoa within the said islands of American Samoa; and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in American Samoa or summon the posse comitatus or call out the militia to prevent or suppress lawless violence, invasion, insurrection, or rebellion in American Samoa; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus or place American Samoa, or any part thereof, under martial law until communication can be had with the President and his decision thereon be made known.

GENERAL POWERS OF THE GOVERNOR

SEC. 36. That all the powers and duties which heretofore by the laws of American Samoa are conferred upon or required of the governor, not inconsistent with the provisions of this act, are conferred upon and required of the governor, unless otherwise provided and until modified and amended by law.

ATTORNEY GENERAL

SEC. 37. There shall be an attorney general, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and hold his office at the pleasure of the President and until his successor shall be appointed and qualified. He shall have the nonjudicial power and duties heretofore reposed in or required of the secretary of native affairs under the laws of American Samoa. He shall record and preserve all the laws and proceedings of the Fono, and all acts and proceedings of the governor and promulgate proclamations of the governor. He shall within 30 days after the end of each session of the Fono transmit to the President, the President of the Senate, and the Speaker of the House of Representatives of the United States one copy each of the laws and journal of such session. He shall transmit to the President, semiannually, on the 1st days of January and July, a copy of the executive proceedings and shall perform such other duties as are prescribed in this act, or as may be required of him by law.

ACTING GOVERNOR IN CERTAIN CONTINGENCIES

SEC. 38. That in case of the death, removal, resignation, or disability of the governor, or his absence from American Samoa, the attorney general shall exercise all the powers and perform all the duties of governor during such vacancy, disability, or absence, or until another governor is appointed and qualified. And in case of the death, removal, resignation, disability, or absence of both the governor and attorney general the President may designate from time to time an officer of the government of American Samoa to act as governor, and the officer so designated shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

APPOINTMENT, REMOVAL, TENURE, AND SALARIES OF OFFICERS

SEC. 39. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice, who shall hold his office for the term of four years unless sooner removed by the President.

The governor shall, except as herein provided, appoint all officers and boards of a public character that may be created by law. The manner of appointments and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

The salaries of all officers other than those appointed by the President shall be provided by the Fono, but that of the chief justice shall not be diminished during his term of office.

All officers appointed under the provisions of this section shall be citizens of the United States.

All persons holding office in American Samoa at the time this act takes effect shall, except as herein otherwise provided, continue to hold their respective offices until their successors are appointed or qualified: *Provided, however,* That nothing in this section shall be construed to conflict with authority and powers conferred by section 33 of this act.

CHAPTER IV—THE JUDICIARY

SEC. 40. That the judicial authority of American Samoa shall be vested in one high court and in such inferior courts as the Fono may from time to time establish. And until the Fono shall otherwise provide, the laws of American Samoa heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

HIGH COURT

SEC. 41. That the high court shall consist of the chief justice and two associate judges, who shall be selected from time to time by the chief justice from among the district judges to sit with him as members of the court. If there be a difference of opinion between the chief justice and his associates, the opinion of the chief justice shall prevail. The governor shall not sit as a judge in any court.

LAWS CONTINUED IN FORCE

SEC. 42. That the laws of American Samoa relative to judicial administration, including civil and criminal procedure, except as amended by this act, are continued in force, subject to modification by Congress or the Fono.

SEC. 43. That no person shall sit as a judge in any case in which his relative by affinity or consanguinity within the third degree is interested either as a plaintiff, a defendant, or in the issue of which the said judge has directly or indirectly, or through such relative, any pecuniary interest; and the Fono may add other causes of disqualification to those herein enumerated.

Unless otherwise provided by law, in case of the disqualification or absence of the chief justice or any judge of any court in any cause pending before the court, on the trial and determination of such cause, his place shall be filled by appointment by the governor.

SEC. 44. That the chief justice, when requested by the governor or the Fono, shall render opinions upon questions of law, and upon solemn occasions.

SEC. 45. That the District Court of the United States for the District of Hawaii shall have jurisdiction to review by appeal and thereupon to confirm, modify, or reverse final decisions of the high court of American Samoa in all cases, civil or criminal, wherein the provisions of this act or a statute or treaty of the United States, or any authority thereunder, is involved; in all other civil cases wherein the value in controversy, exclusive of interests and costs, exceeds $2,000; in all other criminal cases where the offense charged is punishable by imprisonment for a term exceeding one year or by death, and in all habeas corpus proceedings. That the said district court of the United States shall also have jurisdiction to review the interlocutory orders and decrees of the said high court, and also whenever any record on appeal is manifestly incomplete or insufficient for a satisfactory understanding of the appeal, to inquire further into the matters in controversy. That, in lieu of statutory requirements applicable elsewhere, the said district court of the United States shall provide by its rules the mode of appeals generally, and particularly taking into consideration informality of procedure in the courts of American Samoa, such rules to be approved by the Attorney General of the United States. That for the above purpose special terms of the said district court of the United States shall be held in American Samoa at such times and in such places as the judges thereof may deem expedient.

CHAPTER V—MISCELLANEOUS

SEC. 46. That until further provision is made by Congress the wharves and landings constructed or controlled by the government of American Samoa on any seacoast, bay, roadstead, or harbor shall remain under the control of the government of American Samoa, which shall receive and enjoy all revenue derived therefrom on condition that said property shall be kept in good condition for the use and convenience of commerce, but no tolls or charges shall be made by the government of American Samoa for the use of any such property by the United States or by any vessel of war, tug, revenue cutter, or other boat or transport in the service of the United States.

SEC. 47. That except as otherwise provided, the public property ceded and transferred to the United States under the said cessions shall be and remain in the possession, use, and control of the government of American Samoa, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or the Governor of American Samoa. And any such public property so taken for the uses and purposes of the United States may be restored to its previous status by direction of the President. The President may, from time to time, in his discretion, convey to the people of American Samoa such lands, buildings, or interest in land or other property owned by the United States, and within the territorial limits of American Samoa, as in his opinion are no longer needed for the purposes of the United States.

SEC. 48. That the public lands of American Samoa shall not be sold. They shall be administered under such laws as the Fono shall enact: *Provided*, That all revenues from, or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the government of American Samoa, shall be used solely for the benefit of the inhabitants of American Samoa for educational and other public purposes.

LAND

SEC. 49. That no person not a citizen of American Samoa shall acquire by purchase or otherwise title to land, nor any leasehold interest therein, for a term in excess of 20 years: *Provided, however*, That this prohibition shall not affect the vested rights of persons who, not being citizens of American Samoa or of organizations which were owners of land or held leasehold interests in excess of such term, on the taking effect of this act, nor shall it apply to the conveyance or transfer, approved by the governor, to an authorized recognized religious society of sufficient land for the erection thereon of a church or a dwelling house for the pastor, or both: *And provided further*, That this prohibition shall not apply to the Government either of American Samoa nor of the United States of America. Any transfers of interests in land in violation hereof shall be void.

SEC. 50. That the following officers shall receive the following annual salaries, to be paid by the United States: The governor, $10,000; the attorney general, $6,000; the chief justice, $6,000. The governor shall receive annually from the United States in addition to his salary the sum of $500 for stationery, postage, and incidentals; and his traveling expenses while absent from the capital on official business. The governor is authorized to employ a private secretary, who shall receive an annual salary of $2,400, and an interpreter, who shall receive an annual salary of $1,800, both to be paid by the United States. Said officers and said private secretary shall be entitled to transportation for themselves, their immediate families, and their household effects from their homes in the United States to American Samoa upon their appointment, and from American Samoa to their said homes upon completion of their duties. Each said officers and said private secretary shall be granted also a leave of absence, but not oftener than every other year, as may by the governor be arranged, during which he shall be entitled to an additional allowance of $500, to be paid by the United States.

QUARANTINE

SEC. 51. That quarantine stations shall be established at such places in American Samoa as the Surgeon General of the Public Health Service of the United States shall direct, and the quarantine regulations for American Samoa relating to the importation of diseases from other countries shall be under the control of the Government of the United States. The quarantine stations and grounds at the harbor of Pagopago, together with all the public property belonging to that service, shall be transferred to the Public Health Service of the United States, and said grounds shall continue to be so used and employed until the station is changed to other grounds which may be selected by order of the Secretary of the Treasury.

The health laws of the government of American Samoa relating to the harbor of Pagopago and other harbors and inlets from the sea, and to the internal control of the health of American Samoa, shall remain in the jurisdiction of the government of American Samoa, subject to the quarantine laws and regulations of the United States.

SEC. 52. That imports from American Samoa into any State or Territory of the United States, of any dutiable article not the growth, production, or manufacture of American Samoa and imported into American Samoa after February 20, 1929, shall pay the same duties that are imposed on the same articles when imported into the United States from any foreign country.

That merchandise and articles which are the growth, production, or manufacture of American Samoa coming into the United States from American Samoa shall be entered at the several ports of entry free of duty, and in no event shall any duties be collected on said merchandise or articles.

NATURALIZATION

SEC. 53. That for the purposes of naturalization under the laws of the United States residence in the islands of American Samoa prior to the taking effect of this act shall be deemed equivalent to residence in the United States, and the requirements of a previous declaration of intention to become a citizen of the United States and to renounce former allegiance shall not apply to persons who have resided in said islands at least five years prior to the taking effect of this act, but all other provisions of the laws of the United States relating to naturalization shall, so far as applicable, apply to persons in said islands: *Provided, however*, That no person of Polynesian blood shall be denied the benefit of said laws solely by the fact of such ancestry. The high court of American Samoa is hereby given jurisdiction in naturalization matters, subject to the right of appeal as in this act provided.

SEC. 54. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

SEC. 55. Swains Island shall be considered as part of the naval station of Tutuila, and the affairs of the inhabitants thereof shall be administered by the commandant of that station as nearly as practicable in accordance with the laws of American Samoa locally applicable. The commandant shall make a report thereon annually to the Governor of American Samoa.

SEC. 56. This act shall take effect 60 days from and after the date of the approval thereof, excepting only as to section 32 relating to appropriations, which shall take effect upon such approval.

SEC. 57. This act may be cited as the "Samoan organic act."

Mr. KING. Mr. President, some objections have been presented to me against a bill—and I think this is the one—based upon the ground that it permitted other than Samoans to acquire territory on the small islands of Samoa.

Mr. BINGHAM. Mr. President, there is a misunderstanding about that. This bill provides that land in Samoa may only be acquired by Samoan citizens, and it gives the legislature of Samoa, known as the Fono, the right to say who shall be Samoan citizens. They shall not deny citizenship to anyone of Polynesian blood on that account alone; that is, citizenship in Samoa, with the right to hold land in Samoa.

At the present time no one but full-blooded Samoans may acquire land in Samoa, and there has been a great deal of distress on account of the children of mixed marriages, part

Samoans, being unable to acquire land which had been owned or held by their mother's family, the mother being Samoan.

The commission was unanimous in its belief that this provision was unnecessary protection for the Samoans, and held hearings there, more than 70 Samoans appearing at the hearings. It was virtually the unanimous opinion of the Samoans that those of part Samoan blood should be permitted to acquire land.

Mr. KING. Mr. President, may I say to the Senator that a gentleman who is very familiar with conditions there wrote me a letter—and I regret that I have not the letter here, because I do not remember very distinctly its contents—and he was apprehensive that, under this bill, not only persons of diluted Samoan blood, but of white blood, might acquire territory there.

Mr. ROBINSON of Arkansas. Mr. President, I may say to the Senator from Utah that, under the provisions of the bill, that would be impossible. The limitations and restrictions placed on land ownership are as stated by the Senator from Connecticut. As a matter of fact, very little land in Samoa is subject to private ownership at all. Nearly all of it is in family ownership, what might be termed the title being in the head of the family for the use and benefit of the entire family.

A few small tracts are subject to private ownership, and this bill limits it to Samoan citizens, as stated by the Senator from Connecticut. No person of full white blood can be a Samoan citizen, except that the Fono, or legislature of Samoa, may determine who shall constitute citizens.

Mr. KING. Mr. President, I have no particular interest in this measure except that my heart goes out to the people of what might be called inferior races. The white man too often intrudes into their countries and dispossesses them, to their disadvantage. But, having such confidence in the two Senators who have just assured us that the bill is not susceptible to the construction to which I have referred, I shall not object to its consideration.

I shall, however, bring the letter to which I refer to the attention of both Senators, and if, after reading it, they feel that there is some merit in it, I shall ask for a reconsideration of the vote.

Mr. BINGHAM. Mr. President, I think the same person wrote to me; but he was laboring under a misapprehension, due to some newspaper story that the lands were to be thrown open. The bill, as it has been presented, met with the unanimous approval of the Samoan chiefs. The only persons objecting, on the ground which the Senator has raised, have been certain naval officers, who, having made a law that only persons of full Samoan blood might own land, thought we were letting down the bars a little and letting in part Samoans.

Mr. ROBINSON of Arkansas. It might be added, Mr. President, that the sentiment of the Samoan people was taken through the testimony of their chiefs, and through the evidence of anyone else who wished to testify, and they were practically unanimous in supporting the provisions to which the Senator from Utah has reference.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### OSAGE INDIAN FUNDS

Mr. KING. Mr. President, I would like to inquire what became of Order of Business 1365, House bill 13132, an act authorizing the use of Osage funds for attorneys' fees and expenses of litigation?

The PRESIDENT pro tempore. That bill was substituted for Order of Business 1241, and the bill was passed.

Mr. KING. Mr. President, may I ask the chairman of the Committee on Indian Affairs if he is familiar with House bill 13132 and approves of the bill?

The PRESIDENT pro tempore. The Chair will state that there was debate on the matter of the substitution at the session this evening.

Mr. LA FOLLETTE. Mr. President, may I say, for the information of the Senator from Utah, that the junior Senator from Oklahoma [Mr. THOMAS] stated that this bill was being enacted at the request of the Osage Indians in order that they might have certain legal assistance in protecting their rights concerning certain oil leases on their land, and that it had not only the approval of the tribal council but also of the Department of the Interior. I personally am not familiar with the situation, but I was present when the Senator from Oklahoma made that statement.

Mr. KING. Mr. President, $100,000 seems a very large sum for attorneys' fees and expenses.

Mr. FRAZIER. Mr. President, it is to be expended under the supervision of the Secretary of the Interior. It is asked for by the Indians themselves, and is to come out of their money. It is not to exceed $100,000.

### RIO GRANDE PROJECT

The Senate proceeded to consider the joint resolution (S. J. Res. 222) relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

### RELIEF OF ALABAMA AND ALABAMA NATIONAL GUARD OFFICERS

The Senate proceeded to consider the bill (S. 5649) for the relief of the State of Alabama and certain former officers of the Alabama National Guard, which had been reported from the Committee on Claims with an amendment to strike out, on page 2, lines 1 to 19, both inclusive, as follows:

SEC. 2. The following persons, former officers of the Alabama National Guard, are relieved from accountability for certain property belonging to the United States in the amounts indicated, such sums representing shortages of property occurring while such persons were commanding National Guard troops on strike duty in such State during the years 1919, 1920, and 1921, and listed in reports of survey under dates of January 3, 1930, and January 4, 1930: James L. Acree, $1,424.81; James J. Alvarez, $169.65; Samuel H. Card, $102.18; Albert A. Carmichael, $25.13; Charles H. Chapman, $26.65; Paul B. Fuller, $105.04; Burley Hamil, $2,140.40; Charles Henderson, $103.48; Albert A. Herzberg, $18.39; William L. Howe, $80.75; Thomas H. Howle, $31.25; Edward M. Jones, $419.09; Walter B. Kerr, $478.80; Ollie B. Mabry, $856.13; Elmo McCray, $1,114.21; Robert D. Powell, $89.51; Eugene D. Reynolds, jr., $775.13; Phillip V. Spier, $45.79; Charles B. Taylor, $1,558.94; Walter M. Thompson, $28.55; Rogers B. Tullis, $28.47; and George F. Winter, $144.86.

So as to make the bill read:

*Be it enacted, etc.*, That the State of Alabama is hereby relieved from accountability for certain property belonging to the United States of the value of $1,098.29, such sum representing the value of the property used or lost by Battery D and Battery F, One hundred and seventeenth Regiment Field Artillery, Alabama National Guard, during flood-relief work in such State during the period from March 14, 1929, to April 1, 1929, and listed as property shortages in reports of survey under dates of April 22, 1929, and May 1, 1929.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the State of Alabama."

### MOTOR CYCLE AND AUTOMOBILE OPERATION

The bill (H. R. 12014) to permit payments for the operation of motor cycles and automobiles used for necessary travel on official business, on a mileage basis in lieu of actual operating expenses, was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

### MOUNT RAINIER NATIONAL PARK

The Senate proceeded to consider the bill (H. R. 15008) to extend the south and east boundaries of the Mount Rainier National Park, in the State of Washington, and for other purposes, which was ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the tract of land within the following-described boundaries be, and the same is hereby, excluded from the Rainier National Forest and is hereby added to and made a part of the Mount Rainier National Park, in the State of Washington:

Beginning at a point on the present east boundary of Mount Rainier National Park 1¼ miles southerly from the northeast corner of the said park as fixed by the act of May 28, 1926 (44 Stat. 668); thence extending east to the summit of the hydro-

graphic divide between Silver Creek and White River; thence along the summit of Crystal Mountain to the summit of the Cascade Mountains; thence southerly along the summit of the Cascade Mountains to a point in section 20, township 15 north, range 11 east, Willamette meridian, whence flow the waters of Bumping River to the east and Carlton and Cougar Creeks to the south and west; thence southwesterly along the summit of the divide between Carlton Creek and the waters flowing into the main fork of Ohanapecosh River to the quarter section line of section 9, township 14 north, range 10 east, Willamette meridian; thence westerly along the quarter section line of sections 9, 8, and 7 to the west boundary of said township; thence due west to the right or west bank of Muddy Fork of the Cowlitz River; thence northerly along the right bank of said Muddy Fork to a point exactly due east of post No. 34 on the south boundary of Mount Rainier National Park as surveyed in 1908; thence due west to said post No. 34; thence along the boundary of said park as surveyed in 1908 to post No. 35; thence easterly along the south boundary of said national park as surveyed in 1908 to the southeast corner thereof; thence northerly along the east boundary of said national park as surveyed in 1908 to post No. 59; thence along the east boundary of said park as revised by the act of May 28, 1928, supra, northerly to the point of beginning.

SEC. 2. All laws applicable to and in force within the Mount Rainier National Park as of the date hereof, and all regulations issued pursuant thereto, are hereby made applicable to and extended over the land added to the said park by this act: *Provided*, That no fee or charge shall be made by the United States for the use of any roads in said park built or maintained exclusively by the State of Washington.

GOVERNMENT FOR THE PHILIPPINE ISLANDS

The bill (S. 5515) to amend section 29 of the act of August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," was announced as next in order.

Mr. BINGHAM. Mr. President, this bill has a very anomalous title. All it does is to provide a legal salary for the auditor and a proper salary for the deputy auditor and for the vice governor. It is requested by all the Philippine Commissioners. There is no objection to it on anyone's part, and it has been needed for some time, due to the fact that the deputy auditor, who is a Filipino, has not received a sufficient salary. The auditor gets only part of his salary in what may be termed a legal manner. It has to be made up by the bank paying him for services which he may or may not render, and yet if he did not get the salary which the bank gives him, it would be impossible for him to live.

At the request of the War Department and of the representatives of the Philippine government, this bill has been introduced. I hope there will be no objection to it, because I have stated all the bill does. It enlarges the salary of the vice governor by a small amount, and makes the salary of the auditor legal and increases it by a small amount, and it increases the salary of the deputy auditor.

All these salaries are chargeable to the Philippine Legislature, and are requested by the Philippine representatives.

Mr. LA FOLLETTE. Mr. President, if I understand the Senator correctly, the bill does not extend any of the authority of the auditor?

Mr. BINGHAM. It makes no change except in the salary.

Mr. KING. Mr. President, may I inquire of the Senator why at this particular period of depression—and there is depression in the Philippine Islands—there should be an increase in these salaries?

Mr. BINGHAM. It has been requested by the Philippine representatives, and the money comes out of their budget. The reason why the increase is made is, in the first place, as far as the vice governor is concerned, that when the governor is away the vice governor has to do a certain amount of entertaining for which he has no fund. He does not get the allowances which the governor gets which permit entertaining. We have recently sent out there Judge Butte, of Texas, who was formerly attorney general in Porto Rico, to be vice governor, and the salary which is provided is really not sufficient.

If it were objected to by the representatives of the Filipino people, I should not ask for the consideration of this bill, but I have a letter from Manuel Quezon, who is well known to the Senator from Utah, and also letters from the Philippine commissioners, all of them asking that this measure be passed, because it is urgently needed.

Mr. McKELLAR. I want to call the Senator's attention to the fact that the auditor's salary is increased 100 per cent, from $6,000 to $12,000, which is $2,000 more than a United States Senator or a Member of the House gets. I think that we had better let it go over.

The PRESIDENT pro tempore. On objection, the bill will go over.

Mr. BINGHAM. Mr. President, may I reply to the Senator? He does not want to have an incorrect statement appear in the RECORD.

Mr. McKELLAR. I am stating what I read in the report of the Secretary of War. I do not know whether he has misstated the facts or not.

Mr. BINGHAM. I endeavored to state that a part of his salary, to wit, $4,000, comes from the bank of which he is an official, and there is some question about the legality of that payment.

Mr. McKELLAR. If he is representing the bank as well as the Government, he ought not to be an auditor for the Government.

The PRESIDENT pro tempore. On objection, the bill will be passed over.

MINING EXPERIMENT STATION, COLLEGE PARK, MD.

The bill (S. 5220) authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into a contract or contracts for the erection and completion of a building or buildings on the campus of the University of Maryland at College Park, Md., suitable for use as an experiment station by the Bureau of Mines, at a cost not to exceed $350,000, including plumbing, lighting, heating, and other general-service equipment and necessary road, walks, and ground improvement: *Provided*, That a site on said campus, acceptable to the Secretary of the Treasury and the Secretary of Commerce, is donated to the United States Government for said purpose, subject to return to the donor at any time if the Government ceases to use the land as indicated.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $350,000 for carrying out the purposes of this act.

INVESTIGATION OF SENATORIAL CAMPAIGN EXPENDITURES

The resolution (S. Res. 406) authorizing the special committee on campaign expenditures to impound ballots and ballots boxes was announced as next in order.

The PRESIDENT pro tempore. The resolution will go over.

KANKAKEE RIVER BRIDGE

The bill (H. R. 14681) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Kankakee River, was considered, read the third time, and passed.

RELIEF IN DROUGHT-STRICKEN AREAS

The bill (S. 5439) to excuse certain persons from residence upon homestead lands during 1929 and 1930 in the drought-stricken areas was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That any homestead settler or entryman who, during the calendar years 1929 and 1930, found it necessary to leave his homestead to seek employment in order to obtain food and other necessaries of life for himself, family, and work stock because of serious drought conditions, causing total or partial failure of crops, may, upon filing with the register proof of such conditions in the form of a corroborated affidavit, be excused from residence upon his homestead during all or part of the calendar years 1929 and 1930, and in the making of final proof upon such an entry absence granted under this act shall be counted and construed as constructive residence by said homesteader.

BILL PASSED OVER

The bill (H. R. 252) to facilitate work of the Department of Agriculture in the Territory of Alaska was announced as next in order.

Mr. DILL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

LANDS IN CADDO PARISH, LA.

The joint resolution (H. J. Res. 200) authorizing acceptance of a donation of land, buildings, and other improvements in Caddo Parish, near Shreveport, La., was considered, read the third time, and passed, as follows:

*Resolved, etc.*, That the Secretary of Agriculture is authorized to accept title to such land, buildings, and other improvements in Caddo Parish, near Shreveport, La., as may be donated to the United States for the purpose of establishing and maintaining a pecan experiment station.

COOS BAY WAGON ROAD LANDS

The bill (S. 4167) to make the regulations of the Secretary of Agriculture relating to fire trespass on the national forests applicable to lands the title to which revested in the United States by the act approved June 9, 1916 (39 Stat. 218), and to certain other lands known as the Coos Bay Wagon Road lands, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the regulations of the Secretary of Agriculture relating to fire trespass on the national forests be, and the same are hereby, made applicable to the lands the title to which revested in the United States by the act approved June 9, 1916 (39 Stat. 218), and the lands known as the Coos Bay wagon-road lands involved in the case of Southern Oregon Co. against United States (No. 2711), in the Circuit Court of Appeals of the Ninth Circuit: *Provided, however*, That such regulations shall not interfere in any manner with free access upon and over said lands by or under authority of officers of the Government charged with the administration of laws relating thereto, nor shall any person be prevented from going upon said lands with a view to acquiring title thereto or to the timber, minerals, or other resources thereof in the manner and to the extent authorized by the laws governing the disposition of such lands and resources, or for any purpose incidental to the maintenance, development, or consummation of rights under said laws.

SEC. 2. This act shall remain in force during the period that funds are appropriated for expenditure by the Department of Agriculture to guard against and check fire upon said lands.

MORTON NURSERY SITE, NEBRASKA

The bill (S. 4856) to authorize the Secretary of Agriculture to sell the Morton nursery site, in the county of Cherry, State of Nebraska, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of Agriculture be, and he is hereby, authorized to advertise for sale and to sell to the highest responsible bidder the premises known as the Morton nursery in the county of Cherry, State of Nebraska, comprising an area of 77.93 acres of land, more or less, together with the buildings and other improvements thereon, upon such terms as he may deem for the best interests of the United States; to convey such property to the purchaser thereof by quitclaim deed, and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt, after deducting the expenses incident to said sale.

SEC. 2. The Secretary of Agriculture shall reserve the right to reject any and all bids if, in his judgment, it is in the public interest to do so.

DEPARTMENT OF AGRICULTURE AND ALASKA GAME COMMISSION

The joint resolution (S. J. Res. 212) to coordinate the fiscal business of the United States Department of Agriculture and the Alaska Game Commission in Alaska, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Resolved, etc.*, That in order to coordinate the fiscal business of the United States Department of Agriculture and the Alaska Game Commission in Alaska, the ex officio commissioner of said department in Alaska designated by the Secretary of Agriculture pursuant to the authority contained in the act of February 10, 1927 (44 Stat., pt. 2, p. 1068), with the approval of said commission, may assign a bonded disbursing officer of said department stationed in Alaska to perform and discharge, without additional compensation, so much of the duties imposed and conferred upon the executive officer of said commission by the Alaska game law of January 13, 1925 (43 Stat. 739), entitled "An act to establish an Alaska Game Commission to protect game animals, land furbearing animals, and birds in Alaska, and for other purposes," as consist of the disbursement and receipt of public funds; and during the continuation of such assignment the bond of such executive officer required by section 6 of said act shall be reduced to $1,000, and the bond of the disbursing officer so assigned shall be increased by the amount of $20,000, the premium for such additional amount to be paid as provided for in said section 6 of said act.

JOINT RESOLUTION AND BILL PASSED OVER

The joint resolution (S. J. Res. 210) to authorize the distribution of 40,000,000 bushels of surplus wheat for relief purposes was announced as next in order.

Mr. McNARY. Over.

The PRESIDENT pro tempore. On objection, the joint resolution will be passed over.

The bill (S. 5440) to authorize an emergency appropriation for special study of, and demonstration work in, rural sanitation was announced as next in order.

Mr. ROBINSON of Arkansas. That has already been incorporated in the Agricultural Department appropriation bill.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

Mr. ROBINSON of Arkansas. I would prefer not to have that done.

The PRESIDENT pro tempore. Very well; on objection, the bill will be passed over.

CERTAIN INDIAN TRIBES AND BANDS IN STATE OF WASHINGTON

The bill (S. 627) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred on the Court of Claims, with the rights to appeal to the Supreme Court of the United States by either party, as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims of the Lower Spokane and the Lower Pend O'Reille or Lower Calispell Tribes or Bands of the State of Washington, or any of said tribes or bands, against the United States arising under or growing out of the original Indian title, claim, or rights of the said Indian tribes and bands, or any of said tribes or bands (with whom no treaty has been made), in, to, or upon the whole or any part of the lands and their appurtenances claimed by said Lower Spokane Tribe or Band of Indians, in the State of Washington, and embraced within the following general descriptions, to wit:

Commencing in the State of Washington on the east and west Government survey township line between townships 24 and 25 north at a point whose longitude is 119° 10′ west; thence east along said township line to the first draw leading and draining into Hawk Creek in Lincoln County, Wash.; thence down the center of said draw to said Hawk Creek and down the center of said Hawk Creek to its conflux with the Columbia River; thence up and along the south and east bank of the Columbia River to the north bank of the Spokane River at its conflux with the Columbia River, which said boundary lines separate the lands of said Lower Spokane Tribe or Band of Indians from those, the several so-called Colville and Okanogan Tribes or Bands of Indians; thence easterly up and along the north bank of the said Spokane River to a north and south line whose longitude is 118° west; thence south along said line to its intersection with the forty-seventh parallel of latitude; thence west along said forty-seventh parallel to a line whose longitude is 119° 10′; thence north on said line to the point of beginning, which two latter lines of boundary separate the lands of the said Lower Spokane Tribe or Band of Indians from the lands of the confederated Yakima Indians as defined by the treaty between the United States and said Yakima Indians concluded at Camp Stevens, Walla Walla Valley, Washington Territory, June 9, 1855 (12 U. S. Stat. L. 951, 956); lands in the States of Idaho, Montana, and Washington, claimed by said Lower Calispell or Lower Pend O'Reille Indian Tribe or Band of Indians and embraced within the following description, to wit:

Commencing at a point in the State of Idaho at the forty-ninth parallel latitude on the divide between the waters of the Flat Bow or Kootenai Rivers and those of the Clark Fork River and its tributaries; thence southerly and southeasterly along said summit of the divide, known as the Cabinet Mountain, to the headwaters of Thompsons River in Sanders County, Mont.; thence southerly along the divide between Thompsons River and the tributaries of the Flathead River to the town of Plains, Mont., and continuing southwesterly on a line drawn through St. Regis, Mont., to the summit of the Calispell or Coeur d'Alene Range of the Bitter Root Mountain (which said boundaries separate the original habitat and lands of said Lower Calispell or Lower Pend O'Reille Indians from those of the Cooteney, Upper Pend O'Reille, and Flathead Tribes or Bands of Indians as defined by the treaty between the United States and said last-named tribes or bands of Indians, executed July 16, 1855) (12 Stat. L. 975–979); thence northwesterly along the summit of said Calispell or Coeur d'Alene Range and the divide between the waters of the said Clark Fork and those of the Coeur d'Alene River, and along said course extend to and across the Spokane Plains and continuing in a general north-

westerly direction to the divide separating the waters of said Clark Fork River from the Spokane River and its tributaries to the main ridge of the Calispell Mountains in the State of Washington; and thence in a northerly direction, along the summit of main ridge of said Calispell Mountains, and said course extending to the international boundary line between the Province of British Columbia and the State of Washington; then east along said international boundary line to the point of beginning, which last-named boundaries separate the original habitat and land of said Lower Calispell or Lower Pend O'Reille Indians from those of the Coeur d'Alene, Spokane, Colville, and Lake Tribes or Bands of Indians; which said lands or rights therein or thereto are claimed to have been taken away from said Indian tribes and bands, or some of them, by the United States, recovery therefor in no event to exceed $1.25 per acre; together with all other claims of said tribes or bands of Indians, or any of said tribes or bands, arising under or growing out of fishing rights and privileges held and enjoyed by said tribes and bands, or any of them, in the waters of the Columbia River and its tributaries; or arising or growing out of hunting rights and privileges held and enjoyed by said tribes and bands, or any of them, in common with other Indians in the "common hunting grounds" east of the Rocky Mountains as reserved by and described in the treaty with Blackfeet Indians, October 17, 1855 (11 Stat. 657–662), and which are claimed to have been taken away from said tribes and bands, or any of them, by the United States without any treaty or agreement with such Indian claimants therefor and without compensation to them.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed as herein provided in the Court of Claims within five years from the date of the approval of this act, and such suit or suits shall make the said Lower Spokane and Lower Calispell or Lower Pend O'Reille Indian Tribes or Bands of Washington, or any of said tribes or bands, party or parties plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees selected by said Indians as provided by existing law. Official letters, papers, documents and records, maps, or certified copies thereof may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, or reports as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribes and bands, or any of them, but any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for said Indian tribes and bands or any of them.

SEC. 4. Any other tribes or bands of Indians the court may deem necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, by any one of said tribes or bands, and in no event to exceed the sum of $25,000 for any one of said tribes or bands of Indians, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits to be paid to the attorney or attorneys employed as herein provided by the said tribes or bands of Indians, or any of said tribes or bands, and the same shall be included in the decree, and shall be paid out of any sum or sums adjudged to be due said tribes or bands, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States, where it shall draw interest at the rate of 4 per cent per annum.

The bill (S. 1430) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred on the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims of the Okanogan, Methow, San Poeils (or San Poil), Nespelem, Colville, and Lake Indian Tribes or Bands of the State of Washington, or any of said tribes or bands, against the United States arising under or growing out of the original Indian title, claim, or rights of the said Indian tribes and bands, or any of said tribes or bands (with whom no treaty has been made), in, to, or upon the whole or any part of the lands and their appurtenances in the State of Washington embraced within the following general descriptions, to wit: Commencing at the intersection of the west bank of the Okanogan River with the international boundary line between the Province of British Columbia, Canada, and the State of Washington, thence west along said line to its intersection with the summit of the main ridge of the Cascade Mountains; thence in a southerly direction along the summit of said main ridge of the Cascade Mountains to a point where the northern tributaries of Lake Chelan and the southern tributaries of the Methow River have their rise; thence southeasterly on the divide between the waters of Lake Chelan and the Methow River to the Columbia River; thence, crossing the Columbia River in a true-line course east, to a point whose longitude is 119° 10′; thence in a true south course to the Government survey township line between townships 24 and 25 north; thence east along said township line to Hawk Creek, in Lincoln County, Washington; thence down said Hawk Creek to its intersection with the Columbia River; thence westwardly along the south bank of the Columbia River to a point opposite the mouth of the Okanogan River; thence north across the Columbia River and up the west bank of the Okanogan River to the place of beginning; also, commencing on the north bank of the Spokane River at its junction with the Columbia River, thence in a northeasterly direction along the summit of the ridge separating the drainage basin of the Spokane River from that of the Columbia River and its tributary, the Colville River, to the main ridge of the Calispell Mountains; thence in a northerly direction along the summit of the main ridge of said Calispell Mountains, extended, to the international boundary line between said Province of British Columbia, Canada, and the State of Washington; thence west along said line to the east bank of the Columbia River; thence in a general southerly direction along said east bank or the Columbia River to the said mouth of the Spokane River; also, commencing at a point on the west bank of the Columbia River opposite the mouth of the Spokane River; thence in a general northerly direction to and along the summit of the main ridge dividing the waters of the San Poil River from those of the Columbia and Kettle Rivers, and along the summit of said ridge extended northerly to the said international boundary line between the Province of British Columbia and the State of Washington; thence west along said international boundary line to the summit of the main ridge separating the waters of the Okanogan River from those of the upper Kettle River; thence in a general southerly direction to and along the summit of the divide between the waters of said Okanogan River and those of Nespelem Creek to the north bank of the Columbia River; thence in a general easterly direction along the north bank of the Columbia River to a point opposite the mouth of the Spokane River, the place of beginning; which said lands or rights therein or thereto are claimed to have been taken away from said Indian tribes and bands, or some of them, by the United States, recovery therefor in no event to exceed $1.25 per acre; together with all other claims of said tribes or bands of Indians, or any of said tribes or bands, arising under or growing out of fishing rights and privileges held and enjoyed by said tribes and bands, or any of them, in the waters of the Columbia River and its tributaries; or arising or growing out of hunting rights and privileges held and enjoyed by said tribes and bands, or any of them, in common with other Indians in the "common hunting grounds" east of the Rocky Mountains as reserved by and described in the treaty with Blackfoot Indians, October 17, 1855 (11 Stat. L., pp. 657–662), and which are claimed to have been taken away from said tribes and bands, or any of them, by the United States without any treaty or agreement with such Indian claimants therefor and without compensation to them.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed as herein provided in the Court of Claims within five years from the date of the approval of this act, and such suit or suits shall make the said Okanogan, Methow, San Poeils (or San Poil), Nespelem, Colville, and Lake Indian tribes or bands of Washington, or any of said tribes or bands, party or parties, plaintiff, and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees selected by said Indians as provided by existing law. Official letters, papers, documents and records, maps, or certified copies thereof may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, or reports as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribes and bands, or any of them, but any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for such Indian tribes and bands, or any of them.

SEC. 4. Any other tribes or bands of Indians the court may deem necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, by any one of said tribes or bands, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits to be paid to the attorney or attorneys employed as herein provided by the said tribes or bands of Indians, or any of said tribes or bands, and the same shall be included in the decree, and shall be paid out of any sum or sums adjudged

to be due said tribes or bands, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States, where it shall draw interest at the rate of 4 per cent per annum.

COWLITZ TRIBE OF INDIANS

The bill (S. 2445) to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitz Tribe of Indians to file suit in the Court of Claims under said act, was considered; ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the act approved February 12, 1925, entitled "An act authorizing certain Indian tribes, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties or otherwise," be, and the same is hereby, amended so as to permit the Cowlitz Tribe of Indians to file suit or suits in the Court of Claims in like manner as the other tribes mentioned therein, and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all suits brought hereunder and to render final judgment therein the same as if said Cowlitz Tribe of Indians had been included within the terms and provisions of the act of which this is an amendment.

BILL PASSED OVER

The bill (S. 5644) to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, as amended, was announced as next in order.

Mr. BRATTON. Over.

Mr. PHIPPS. Mr. President, will the Senator withhold the objection until I can make a statement?

Mr. BRATTON. Very well.

Mr. PHIPPS. This is really an important measure. It relates to building a new highway from the city of Washington to Mount Vernon, which is very urgently needed to have it in shape for the celebration of the George Washington anniversary next year, 1932. The highway is well along. Much of the grading has been completed and the road must be paved.

Mr. BRATTON. Is not this the same matter that was inserted in an appropriation bill one day last week?

Mr. PHIPPS. It is.

Mr. BRATTON. It was upon that understanding that I made the objection. I have no objection to the merits of the bill.

Mr. McKELLAR. I hope the Senator will not object.

Mr. PHIPPS. It went out of the appropriation bill on a point of order.

Mr. HOWELL. I object.

The PRESIDENT pro tempore. On objection the bill will go over.

THOMAS F. MYERS

The bill (S. 5321) for the relief of Thomas F. Myers, was considered. The bill had been reported from the Committee on the District of Columbia with an amendment on page 1, line 11, to strike out the numeral "8" and insert the numerals "28," so as to make the bill read:

*Be it enacted, etc.*, That the Commissioners of the District of Columbia are authorized, notwithstanding any statute of limitations, to hear, determine, and settle, under the act approved February 11, 1929, as amended by the act approved June 5, 1930, entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," the claim of Thomas F. Myers against the District of Columbia on account of injury sustained by him on September 28, 1926.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLATHEAD INDIANS, MONTANA

The bill (S. 873) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Flathead Tribe or Nation of Indians of Montana may have against the United States, and for other purposes, was considered. The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, to strike out lines 3 to 9, and on page 2, to strike out lines 2 to 4, inclusive, and insert in lieu thereof the following:

That notwithstanding the limitations of the act entitled "An act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington," approved March 13, 1924, all claims of whatsoever nature which have not been heretofore determined by a court of competent jurisdiction, which the Flathead, Kootenais, and Upper Pend d'Oreilles Nations or Tribes of Indians, residing on the Flathead Indian Reservation, Mont., may have against the United States (1) for amounts due said Indians from the United States under any treaty, or agreement, or law of Congress, or (2) on account of the appropriation by the United States to its own use or to the use of any other Indian tribe by treaty, act of Congress, or Executive order, of any land of the said Indians in violation of any rights secured to them by any treaty, agreement, or act of Congress, or in violation of the rights of said Indians to the exclusive use and occupation by immemorial possession of any land, or (3) on account of the misappropriation of the property or funds of said Indians or the failure of the United States to administer the same in conformity with any treaty or agreement with said Indians:

And on page 3, in line 21, to strike out "such suit shall make the Flathead Tribe or Nation of Indians of Montana party" and insert in lieu thereof "in any such suit the claimant Indians shall be parties"; on page 4, lines 1 and 2, to strike out "Flathead Tribe or Nation of Indians of Montana" and insert the word "Indians"; on page 4, line 10, to strike out the words "Indian tribe or nation" and insert the word "Indians"; on page 5, line 3, to strike out the word "Indians" and insert in lieu thereof the words "said Indians, or has appropriated to its own use or that of any other Indian tribe any lands, title to which was in the said Indians, either by reason of any treaty, agreement, or act of Congress, or by immemorial possession"; and in line 7 to strike out the word "money" and insert the words "money, land"; in line 15 to strike out the words "Flathead Tribe or Nation of"; in line 20, to strike out the words "Flathead Tribe or Nation of"; and on page 7, to strike out lines 1 to 6, inclusive, and insert in lieu thereof the following:

SEC. 9. All actual and necessary expenses incurred in the prosecution of any such suit by the attorney or attorneys employed to represent the said Indians shall be paid as they arise by the Secretary of the Treasury out of the funds standing to the credit of said Indians in the Treasury of the United States upon first being allowed by said court and certified by the Secretary of the Interior.

SEC. 10. The provisions of this act shall not affect any suit heretofore instituted under such act of Congress, approved March 13, 1924.

So as to make the bill read:

*Be it enacted, etc.*, That notwithstanding the limitations of the act entitled "An act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington," approved March 13, 1924, all claims of whatsoever nature which have not been heretofore determined by a court of competent jurisdiction, which the Flathead, Kootenais, and Upper Pend d'Oreilles Nations or Tribes of Indians, residing on the Flathead Indian Reservation, Mont., may have against the United States (1) for amounts due said Indians from the United States under any treaty, or agreement, or law of Congress, or (2) on account of the appropriation by the United States to its own use or to the use of any other Indian tribe by treaty, act of Congress, or Executive order, of any land of the said Indians in violation of any rights secured to them by any treaty, agreement, or act of Congress, or in violation of the rights of said Indians to the exclusive use and occupation by immemorial possession of any land, or (3) on account of the misappropriation of the property or funds of said Indians or the failure of the United States to administer the same in conformity with any treaty or agreement with said Indians: *Provided*, That if in any claim submitted hereunder a treaty or an agreement with the Indians be involved, and it be shown that the same has been amended or superseded by an act or acts of Congress, the court shall have authority to determine whether such act or acts have violated any property right of the claimants, and, if so, to render judgment for the damages resulting therefrom; and jurisdiction is hereby conferred upon said Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, to hear and determine all legal and equitable claims of whatsoever nature which said Indians may have against the United States, it being the intent of this act to allow the said Court of Claims full and complete authority to adjust and determine all claims submitted hereunder so that the rights, legal and equitable, both of the United States and of said Indians may be fully considered and determined and to render judgment thereon accordingly.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and in any such suit the claimant Indians shall be parties plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims

under contract with the said Indians approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said tribe or nation.

SEC. 3. That if any claim or claims be submitted to said court it shall determine the rights of the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made by the United States upon any claim so submitted shall not be pleaded as an estoppel but may be pleaded as a set-off in any suit; and the United States shall be allowed credit subsequent to the date of any law, treaty, or agreement under which the claims arise for any sum or sums heretofore paid or expended for the benefit of said Indians, if legally chargeable against that claim.

SEC. 4. That if it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, or agreement, has unlawfully appropriated or disposed of any money or other property belonging to the said Indians, or has appropriated to its own use or that of any other Indian tribe any lands, title to which was in the said Indians, either by reason of any treaty, agreement, or act of Congress, or by immemorial possession, damages therefor shall be confined to the value of the money, land, or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Indians in and to such money or other property.

SEC. 5. That upon the final determination of any suit instituted under this act, the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indians for the services and expenses of said attorneys rendered or incurred subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

SEC. 8. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States, such costs shall be included in the amount of the judgment or decree and, if against said Indians, shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States.

SEC. 9. All actual and necessary expenses incurred in the prosecution of any such suit by the attorney or attorneys employed to represent the said Indians shall be paid as they arise by the Secretary of the Treasury out of the funds standing to the credit of said Indians in the Treasury of the United States upon first being allowed by said court and certified by the Secretary of the Interior.

SEC. 10. The provisions of this act shall not affect any suit heretofore instituted under such act of Congress, approved March 13, 1924.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to supplement the act entitled 'An act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington, approved March 13, 1924."

POTOMAC RIVER BRIDGE, DAHLGREN, VA.

The bill (S. 4944) to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the times for commencing and completing the construction of a bridge across the Potomac River from a point in the vicinity of Dahlgren, in the northeastern end of King George County, Va., to a point south of Popes Creek, Charles County, Md., authorized to be built by the George Washington-Wakefield Memorial Bridge, a corporation, its successors and assigns, by an act of Congress approved May 5, 1926, heretofore extended by acts of Congress approved February 16, 1928, February 26, 1929, and February 19, 1930, are hereby further extended one and three years, respectively, from February 16, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

WABASH RIVER BRIDGE, FLESHERS FERRY, IND.

The bill (H. R. 5661) to authorize the Sycamore Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near Fleshers Ferry, Ind., was considered by the Senate, read the third time, and passed.

RIO GRANDE BRIDGE, SAN BENITO, TEX.

The bill (H. R. 13532) to extend the time for the construction of the bridge across the Rio Grande at or near San Benito, Tex., was considered, read the third time, and passed.

RIO GRANDE RIVER BRIDGE, RIO GRANDE CITY, TEX.

The bill (H. R. 13533) to extend the time for the construction of a bridge across the Rio Grande at or near Rio Grande City, Tex., was considered, read the third time, and passed.

ARMY BAND AT CONFEDERATE VETERANS' REUNION, ALABAMA

The bill (H. R. 14573) authorizing the attendance of the Army Band at the Confederate Veterans' Reunion to be held at Montgomery, Ala., was considered, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the President is authorized to permit the United States Army Band to attend and give concerts at the Forty-first Annual Confederate Veterans' Reunion to be held at Montgomery, Ala., June 1 to 5, inclusive, 1931.

SEC. 2. For the purpose of defraying the expenses of the band in attending such reunion there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $7,500, or so much thereof as may be necessary.

INDIANS IN UTAH, COLORADO, AND NEW MEXICO

The bill (S. 1371) authorizing the Southern Ute and the Ute Mountain Bands of Ute Indians, located in Utah, Colorado, and New Mexico, to sue in the Court of Claims, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That jurisdiction be, and is hereby, conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the treaty approved by act of Congress June 15, 1880 (21 Stat., p. 199), and any amendments thereto either by subsequent treaties or by acts of Congress or by presidential proclamations or otherwise, which the Southern Utes and the Ute Mountain Bands of Ute Indians located in Utah, Colorado, and New Mexico, being a part of the Confederated Bands of Ute Indians. may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States. Said court shall determine the value of all lands which have been set apart and reserved from the ceded Ute Indian lands as forest reservations or for other public uses under existing laws and proclamations of the President as if disposed of under the public land laws of the United States, as provided for in said treaty and any and all said amendments thereto: *Provided*, That the value of coal-bearing lands shall not be fixed at a sum in excess of $15 per acre; and the said court shall have jurisdiction to hear and determine the several as well as the joint rights of the parties plaintiff and render judgment accordingly.

SEC. 2. Any and all claims against the United States within the purview of this Act shall be presented to the said court by petition or petitions filed as herein provided within two years from the approval of this act; and such suit or suits shall make the Southern Ute and the Ute Mountain Bands of Ute Indians of Utah, located in Utah, Colorado, and New Mexico, parties plaintiff and the United States party defendant. The petition or petitions shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with said Indians or assignments thereof in whole or in part, approved in accordance with existing law, and shall set forth the facts as far as petitioner is able to do on which the claims for recovery are based; and the Attorney General of the United States, or some attorney from the Department of Justice to be designated by him as heretofore directed, shall appear and defend the interests of the United States.

SEC. 3. In said suit or suits the said court shall hear, examine, and adjudicate any claims which the United States may have against the Southern Ute and the Ute Mountain Bands of Ute Indians of Utah, Colorado, and New Mexico; but any payment or payments, including gratuities, which the United States may have made to said Indians, shall not operate as an estoppel, but may be pleaded as an offset in such suit, provided there was no adequate consideration for the same.

SEC. 4. If it be determined by the said court that the United States, in violation of the terms and provisions of any law, treaty, Executive order, or agreement, as provided in section 1 hereof, has unlawfully appropriated or disposed of any property belonging to said Indians, the damage therefor shall be confined to the value of such property at the time of such appropriation or the disposal thereof, except as otherwise provided in section 1 of this act; and with reference to all claims which may be the subject matter of the suit or suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of said Indians in and to such property.

SEC. 5. The proceeds of all amounts, if any, recovered for said Indians, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

Such proceeds shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of the said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians.

SEC. 6. The Court of Claims shall have full authority, by proper order and process, to bring in and make party to such suit or suits any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy. Said court shall also hear, determine, and render judgment for any amount found due to the Confederated Bands of Ute Indians up to the time of rendering of final judgments herein under the terms of the agreement between the Confederated Bands of Ute Indians of Colorado and the United States, ratified by the act of Congress approved June 15, 1880, being "An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same" (21 Stats. 199), and also under any amendments thereto, either by subsequent treaties or by acts of Congress, or by presidential proclamation, which is not covered by the suits herein authorized to be brought by two said bands, and which judgment shall include the pro rata amount due each band of the Ute Indians named herein, in the final judgment rendered in their favor, the pro rata amount due each band to be determined by the population of each band as shown by the official rolls of the Interior Department. The attorneys for said bands of Indians may set up the claims of each band to said funds that may be found due to the Confederated Bands of Ute Indians in their petition herein authorized to be filed with said court; and the Secretary of the Treasury is hereby authorized and directed to set up on the books of the Treasury a sum of money equal in amount to said judgment, and shall pay from said sum or any other money in the Treasury belonging to said Indians, the amount set apart and awarded by the Court of Claims to the attorneys for said Indians for legal fees and also for expenses, as provided herein, and shall pay to said Indians annually or oftener, if their needs so require, 4 per cent interest on the net amount representing the remainder of said judgments.

SEC. 7. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the amount recovered, based upon actual services rendered, and in addition thereto all necessary and proper expenses incurred in preparation and prosecution of the suit or suits, to be paid the attorneys employed by said tribes or bands of Indians, and the same shall be paid out of any sum or sums found to be due said tribes or bands, or out of any money in the Treasury of the United States due said Indians, as hereinbefore provided.

CONFEDERATE STOCKADE CEMETERY, SANDUSKY BAY, OHIO

The bill (H. R. 3313) to authorize the Secretary of War to acquire, free of cost to the United States, the tract of land known as Confederate Stockade Cemetery, situated on Johnstons Island, Sandusky Bay, Ohio, and for other purposes, was considered, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to acquire, free of cost to the United States, the tract of land situated on Johnstons Island, Sandusky Bay, Ohio, known as Confederate Stockade Cemetery, containing the remains of Confederate prisoners of war: *Provided*, That this cemetery shall be maintained by the United States in the same manner as other Confederate burial plats acquired under the provisions of the act of March 9, 1906 (34 Stat., ch. 631, p. 56).

DISTRIBUTION OF WHEAT FOR RELIEF PURPOSES

Mr. HEFLIN. Mr. President, Calendar No. 1388, the joint resolution (S. J. Res. 210) to authorize the distribution of 40,000,000 bushels of surplus wheat for relief purposes was passed over a while ago while the attention of the Senator from Kansas [Mr. CAPPER] was diverted. Some Senator objected to the consideration of the joint resolution.

Mr. CAPPER. Objection was made by the Senator from Rhode Island [Mr. METCALF]. I do not think he really understood the matter.

Mr. HEFLIN. It is a very important measure.

Mr. CAPPER. It certainly is.

Mr. HEFLIN. I ask unanimous consent that the objection may be reconsidered and the bill placed upon its passage.

The PRESIDENT pro tempore. There is no reconsideration under the process which the Senate is following tonight. If the Senator who made the original objection withdraws it, then by unanimous consent we may recur to that order of business.

Mr. METCALF. I withdraw my objection.

The PRESIDENT pro tempore. Without objection, the Senate will recur to the consideration of Calendar No. 1388.

The joint resolution (S. J. Res. 210) to authorize the distribution of 40,000,000 bushels of surplus wheat for relief purposes was considered. The joint resolution had been reported from the Committee on Agriculture and Forestry with an amendment on page 2 to strike out all after the resolving clause and insert, so as to read:

Whereas a severe economic depression, international in scope, has resulted in unemployment and privation to many American citizens; and

Whereas the United States, having never failed to respond generously to the wants of distressed persons in other lands, should not now be unmindful of its obligations to its own suffering citizens; and

Whereas, under authority granted in the agricultural marketing act, the Grain Stabilization Corporation has obtained ownership and control of approximately 100,000,000 bushels of wheat for which there is no immediate market; and

Whereas such wheat was bought with public funds loaned to such corporation by the Federal Farm Board, an agency of the United States Government; and

Whereas the United States Government is faced with a great responsibility in permitting and assisting in the retention of this vast quantity of wheat while its citizens are in distress: Therefore be it

*Resolved, etc.*, That the Federal Farm Board, with the approval of the President, is authorized and directed to take such action as may be necessary to make immediately available 20,000,000 bushels of wheat, or so much thereof as may be necessary, to provide food for the distressed people in the various parts of the United States: *Provided*, That such wheat shall be furnished and delivered to and distributed by such organization or organizations as may be designated by the President, and under rules and regulations to be promulgated by said Federal Farm Board and approved by the President.

SEC. 2. The Federal Farm Board, or such agency as may be designated by the President, may arrange for the conversion of such wheat or any part thereof into flour: *Provided*, That in the delivery of wheat or flour to any organization or organizations, as provided herein, the Federal Farm Board shall be at no expense: *And provided further*, That all expense incident to the receipt and distribution of such wheat or flour shall be borne by the organization or organizations designated to supervise such distribution.

SEC. 3. The Federal Farm Board shall keep account of all wheat furnished and delivered as provided herein and shall report the average cost of such wheat to the board as a credit against its revolving fund.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. KING. Mr. President, I would like to inquire how many bushels of wheat are to be thus appropriated or given away and what credit Mr. Legge's board is to receive.

Mr. CAPPER. The joint resolution as amended would make 20,000,000 bushels of wheat available upon application of relief organizations to the President or the Federal Farm Board.

Mr. KING. What credit does the Farm Board receive, if any requisition is made?

Mr. CAPPER. The Farm Board is required to keep a record of every shipment made to any relief organization and get credit on its revolving fund.

Mr. KING. But upon what basis—the price of wheat now or the price they paid for the wheat?

Mr. CAPPER. The current market price at the time the wheat is delivered to the wheat organization.

Mr. KING. Then this will not be a liquidation up to the amount that the board paid for wheat in settlement of their accounts with the Government?

Mr. CAPPER. If the market price was below the price paid by the Farm Board it will be short a small amount.

Mr. KING. And that will have to be paid out of the Treasury of the United States.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution to authorize the distribution of 20,000,000 bushels of surplus wheat for relief purposes."

WAGES OF POSTAL EMPLOYEES

Mr. McKELLAR. Mr. President, this afternoon when Calendar No. 1232, the bill (H. R. 6603) to provide a shorter work week for postal employees, and for other purposes, was reached, the Senator from Arkansas [Mr. ROBINSON] objected, but I understand he does not object to its consideration now.

Mr. ROBINSON of Arkansas. I have no objection.

Mr. McKELLAR. I ask unanimous consent to return for the purpose of considering the bill at this time.

Mr. PHIPPS. Mr. President, I feel constrained to object, because this is really an important measure relating to the wages of employees in the Postal Department, and if passed, would no doubt lead to requests for readjustments in other departments. I think the bill is too important to be considered under the five-minute rule.

The PRESIDENT pro tempore. Objection is made and the clerk will report the next bill on the calendar.

CONSTRUCTION AT FORT SAM HOUSTON

The bill (H. R. 4501) to authorize funds for the construction of a building at Fort Sam Houston was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That not to exceed $5,000 of the unexpended balance of the appropriation of $587,975, appropriated for the new flying school and flying field at San Antonio, Tex., in the second deficiency act, fiscal year 1928, approved May 29, 1928, in accordance with the authority contained in the act approved February 18, 1928, is hereby authorized to be made available for the construction of a building on the Fort Sam Houston Military Reservation, Tex., for housing radio transmitter equipment.

LOAN OF WATER IN DISTRICT OF COLUMBIA FOR FIRE-FIGHTING PURPOSES

The bill (S. 4682) to authorize the Chief of Engineers of the Army to enter into agreements with local governments adjacent to the District of Columbia for the use of water for purposes of fire fighting only was considered. The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 7, after the word "conduits," to insert the words "under his jurisdiction," so as to read:

*Be it enacted, etc.*, That the Chief of Engineers of the Army is hereby authorized to formulate regulations and enter into agreements with county or other local governments in communities adjacent to the District of Columbia for the use of water from unmetered mains or conduits under his jurisdiction for emergency purposes in fire fighting only.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENTH OLYMPIC GAMES

The bill (S. 5715) to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted etc.*, That the Secretary of War is hereby authorized to direct the training and attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic Games: *Provided*, That all expenses incident to training, attendance, and participation in the Tenth Olympic Games, including the use of such supplies, material, and equipment as in the opinion of the Secretary of War may be necessary, may be charged to the appropriations for the support of the Army: *Provided further*, That applicable allowances which are or may be fixed by law or regulations for participation in other military activities shall not be exceeded.

RELIEF TO SUFFERERS OF MISSISSIPPI RIVER FLOOD IN 1927

The bill (H. R. 233) to approve the action of the War Department in rendering relief to sufferers of the Mississippi River flood in 1927 was considered and read, as follows:

*Be it enacted, etc.*, That the action of the Executive in directing the issue and the issuance of Army supplies out of the current and reserve stock for the use of the Army, and in directing payment for supplies and for services rendered in connection with the shipment and transfer of such supplies, including all other extra expenditures, for the relief of sufferers from the Mississippi River flood in the spring of 1927 is approved. Credit for all such supplies so issued and funds so disbursed in connection therewith, and with the relief tendered by, the Army shall be allowed in the settlement of the accounts of the officers of the Army.

Mr. BLACK. Mr. President, reserving the right to object, which I do not intend to do, I desire to call the attention of the Senate to the fact that they are approving the action of the War Department of this Government in giving food, medicine, and clothes to citizens of the United States who were suffering and in destitution.

Mr. McKELLAR. Mr. President, I am very happy to approve of that action of the Government. I think it ought to be done now in the present situation.

Mr. BLACK. I agree with the Senator.

The bill was ordered to a third reading, read the third time, and passed.

HERMAN LINCOLN CHATKOFF

The bill (H. R. 9893) for the relief of Herman Lincoln Chatkoff was announced as next in order.

Mr. KING. Let that go over.

Mr. REED. Mr. President, may I explain it before the Senator insists upon his objection? This is almost unique. Chatkoff was a pilot in the Lafayette Escadrille——

Mr. KING. I remember now. The matter was explained to me heretofore, but I had forgotten it. I withdraw my objection.

Mr. REED. There are just two men in the United States whose circumstances are like this, and the other is a son of a very wealthy family who will never make any claim. It is a most deserving case.

The bill was ordered to a third reading, read the third time, and passed.

CLAIMS OF OREGON INDIANS

The Senate proceeded to consider the bill (S. 3335) conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred on the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims which the following Indian tribes may have against the United States, namely: The Alsea, Siletz, Tillamook, Coquill, Tootootney, Coos Bay, Umpqua, Siuslaw, Calapuya, Clackmas, Cow Creek, Lackmiut, Marys River, Molala, Nestucca, Rogue River, Santiam, Shasta, Tumwater, Wapato, Yamhill, Chinook, and other bands or tribes of Indians known as the Grande Ronde Indians, residing west of the Cascade Mountains in the State of Oregon.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed as herein provided in the Court of Claims within five years from the date of the approval of this act, and such suit or suits shall make the said Indian tribes or any of said tribes, party or parties, plaintiff, and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Indians approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees selected by said Indians as provided by existing law. Official letters, papers, documents and records, maps, or certified copies thereof may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, or reports as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribes or any of them, but any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded, as an offset in such suit or suits, as may gratuities, if any, paid to or expended for such Indian tribes or any of them.

SEC. 4. Any other tribes or bands of Indians the court may deem necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, by any one of said tribes, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits to be paid to the attorney or attorneys employed as herein provided by the said tribes of Indians, or any of said tribes, and the same shall be included in the decree, and shall be paid out of any sum or sums adjudged to be due said tribes, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States, where it shall draw interest at the rate of 4 per cent per annum.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 15593) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. Being the Army appropriation bill, the measure will go over.

REGULATION OF MOTOR VEHICLES IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 5249) to amend the acts of Congress approved March 3, 1925, and June 3, 1926, known as the District of Columbia traffic acts, and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment.

Mr. McKELLAR. I will ask to have that bill go over.

Mr. BLAINE. Mr. President, will the Senator withhold his objection?

Mr. McKELLAR. I withhold it for any explanation the Senator may wish to make.

Mr. BLAINE. I sent to the clerk's desk this morning a proposed amendment to the amendment reported by the committee. I now desire to offer that amendment to the amendment so that it may be the pending amendment.

Mr. McKELLAR. I have no objection to that.

The PRESIDENT pro tempore. The Chair understands the Senator from Wisconsin to offer an amendment to the amendment proposed by the committee. The amendment proposed by the committee will be stated.

The Chief Clerk. The committee proposes to strike out all after the enacting clause and to insert the following:

That the act of Congress approved March 3, 1925, known as the District of Columbia traffic act, 1925, and the act of Congress approved July 3, 1926, entitled "An act to amend the act known as the District of Columbia traffic act," be, and the same are hereby, amended as follows:

1. That paragraph (f) of section 2 of such act of March 3, 1925, as amended, be, and the same is hereby, repealed, and the letters designating paragraphs (g), (h), (i), (j), (k), and (l) be changed to (f), (g), (h), (i), (j), and (k), respectively.

2. That such acts be, and the same are hereby, amended so that wherever the word "director" appears in such acts, said word "director" shall be stricken and in lieu thereof the words "commissioners or their designated agent" shall be substituted.

3. That section 6 of said acts be, and the same are hereby, amended so that the title thereof shall read "Regulation of Traffic."

4. That sections 6, 9, 10, and 13a of such acts be, and the same are hereby, amended to read as follows:

"SEC. 6 (a) The Commissioners of the District of Columbia are hereby authorized and empowered to make, modify, repeal, and enforce usual and reasonable traffic rules and regulations relating to vehicles, and rules and regulations concerning the control of traffic, the registration of motor vehicles, and the issuance and revocation of operator's permits; and to exercise any power or perform any duty imposed on the director of traffic, which office is hereby abolished, and in the administration of the above powers and authority the commissioners may exercise the same through such officers or agents of the District as the commissioners may designate: *Provided*, That no member of the Metropolitan police department may be empowered to perform any function under this act other than in the enforcement thereof.

"(b) There is hereby established in the government of the District of Columbia a department of vehicles and traffic, which, under the direction of the commissioners, shall have charge of the issuance and revocation of operators' permits, the registration and titling of motor vehicles, the making of traffic studies and plans, the installation and maintenance of traffic signs, signals, and markers, and of such other matters as may be determined by the commissioners. The commissioners shall appoint a director of vehicles and traffic who shall be in charge of said department, and such other personnel as they may deem necessary to perform the duties thereof and as may be appropriated for by Congress. The salaries of such director of vehicles and traffic and other personnel shall be fixed in accordance with the classification act of 1923. The director of vehicles and traffic shall be responsible directly to the commissioners for the faithful performance of his duties and shall be subject to removal by the commissioners for cause.

"(c) The Commissioners of the District of Columbia are hereby authorized and empowered to make, modify, and enforce reasonable regulations in respect to brakes, horns, lights, mufflers, and other equipment, the inspection of the same, the registering, reregistering, titling, retitling, transferring of titles, and revocation of the certificate of title to motor vehicles and trailers.

"(d) The commissioners shall cause to be levied, collected, and paid such fees for titling and retitling as they deem necessary, not to exceed the sum of $1 for each such titling or retitling, and they shall not after the 1st day of January, 1932, register or renew the registration of any motor vehicle or trailer unless and until the owner thereof shall make application in the form prescribed by the commissioners, under oath, and be granted an official certificate of title for such vehicle. No registration or other fee shall be charged to vehicles owned by the Federal or District Government or any duly accredited representative of a foreign government. The owner of a motor vehicle or trailer registered in the District of Columbia shall not after the 1st day of January, 1932, operate or permit or cause to be operated any such vehicle upon any public highway in the District without first obtaining a certificate of title therefor, nor shall any individual knowingly permit any certificate of title to be obtained in his name for any vehicle not in fact owned by him, and any individual violating any provision of this subsection or any regulations promulgated thereunder shall be fined not more than $1,000 or imprisoned not more than one year, or both. If the properly designated agent of the commissioners shall determine that an applicant for a certificate of title is not entitled thereto, such certificate of title may be refused, and in that event unless such determination is reversed upon written application to the commissioners by the individual affected, such individual shall be entitled to proceed further as provided under section 13 (a) of the traffic acts for the District, and jurisdiction is hereby conferred upon the Court of Appeals of the District for this purpose: *Provided*, That reasonable time for hearing be given the applicant in the first instance.

"(e) The commissioners may in the administration of this section, or any provision of the traffic acts for the District, exercise any power or perform any duty conferred on them by this act and the traffic acts through such officers and agents of the District as the commissioners may designate. The commissioners are further authorized and empowered to make, modify, repeal, and enforce reasonable rules and regulations in respect to the movement of traffic, speed, length, weight, height, width, routing, and parking of vehicles, and the establishment and location of hack stands: *Provided*, That as to all common carriers by vehicle which enter, operate in, or leave the District of Columbia, the power to route such vehicles within the District of Columbia, to regulate their equipment other than that specifically named elsewhere in this act, to regulate their schedules and their loading and unloading, to locate their stops, and all platforms and loading zones, and to require the appropriate marking thereof, is vested in the Public Utilities Commission of the District of Columbia: *Provided further*, That whenever any order, rule, or regulation of the Public Utilities Commission shall be made relative to the routing of common-carrier vehicles, to the location of their stops, to the establishment or change in location of platforms, loading zones, or other spaces on the public highway to be reserved for any purpose whatsoever, or to the appropriate marking thereof, or whenever any order, rule, or regulation of the District Commissioners shall be made which affects such routing, stops, platform, zones, or spaces, said order, rule, or regulation shall, prior to promulgation, be referred to a joint board to be composed of the Commissioners of the District of Columbia and the members of the Public Utilities Commission, which is hereby authorized and created. Such joint board may, by the affirmative action of any three members thereof, adopt rules and regulations which, when promulgated, shall be binding and shall have the full force and effect of law, and the engineer commissioner shall be the chairman of such joint board, and shall have but one vote. Any of said rules and regulations hereafter promulgated, after reasonable trial and within a reasonable time, may be changed by the joint board upon the request of the Commissioners of the District of Columbia or of the Public Utilities Commission.

"(f) The commissioners may establish and designate arterial and boulevard highways, regulate the speed of vehicles thereon, and provide for the equipment of any street, road, or highway, with control lights and/or other devices for the regulation of traffic, and make such other regulations with respect to the control of traffic as are deemed advisable; and section 14 of said traffic acts is hereby repealed.

"(g) The District Commissioners are authorized to prescribe within the limitations of these acts reasonable penalties of fine,

or imprisonments not to exceed 10 days in lieu of or in addition to any fine, for the violation of any rule or regulation promulgated under the authority of these acts not otherwise herein provided for. All traffic, motor vehicle, and vehicle regulations not inconsistent herewith heretofore adopted and promulgated are continued and shall remain in full force and effect until amended, altered, or revoked.

"(h) All regulations promulgated under the authority of the traffic acts and this act, except those made by the Public Utilities Commission under powers given it by the act of March 4, 1913, and these acts shall, when adopted, be printed in one or more of the daily newspapers published in the District, and no penalty shall be enforced for any violation of any such regulation which occurs within 10 days after such publication, except that whenever the Commissioners of the District of Columbia deem it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. The placing at or upon the public highway of any sign relating to parking or regulation of traffic, except by the authority of the Commissioners of the District of Columbia or their designated agent, or of the joint board, is prohibited: *Provided*, That this restriction shall not apply to any such signs which do not purport to reserve space on the public highways and which the Public Utilities Commission may authorize under the provisions of this act.

"(i) All prosecutions for violations of provisions of the traffic acts, excepting section 11 thereof, and this act or regulations made and promulgated under the authority of said acts shall be in the police court of the District of Columbia upon information filed by the corporation counsel of the District of Columbia or any of his assistants.

SPEEDING AND RECKLESS DRIVING

"SEC. 9. (a) No vehicle shall be operated at a greater rate of speed than permitted by the regulations adopted under the authority of this act.

"(b) Any person who drives any vehicle upon a highway carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving.

"(c) Any individual violating any provision of this section where the offense constitutes reckless driving shall upon conviction for the first offense be fined not more than $100 or imprisoned not more than 30 days; and upon conviction for the second or any subsequent offense committed within two years from the date of any such previous offense such individual shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(d) Any individual violating any provision of this section, except where the offense constitutes reckless driving, shall upon conviction for the first offense be fined not more than $25; upon conviction for a second offense committed within one year from the date of conviction of the first offense such individual shall be fined not more than $100; and upon conviction for the third or any subsequent offense committed within one year from the date of conviction of the first offense such individual shall be fined not more than $300 or be imprisoned not more than 90 days, or both.

"FLEEING FROM SCENE OF ACCIDENT—DRIVING UNDER INFLUENCE OF LIQUOR OR DRUGS

"SEC. 10. (a) No individual while operating a motor vehicle in the District, knowing that such motor vehicle has struck any individual or any vehicle or property or that such vehicle has been struck by any other vehicle, shall leave the place where the collision or injury occurred without stopping and giving his name, place of residence, including street and number, and exhibiting his registration certificate and operator's permit to the individual so struck or to the owner of such property or the operator of the other vehicle if such owner or operator is present, or if such owner or operator is not present, then he shall report the same to a police station immediately. In all cases of accidents resulting in injury to any person the operator or operators of the motor vehicle or vehicles shall also report the case to any police station immediately. Any operator whose vehicle strikes and causes personal injury to an individual and who fails to conform to the requirements of this subdivision shall upon conviction of the first offense be fined not more than $500 or shall be imprisoned not more than six months, or both; and upon the conviction of a second or subsequent offense shall be fined not more than $1,000 or shall be imprisoned not more than one year, or both. Any operator whose vehicle strikes and causes damage to any vehicle or property and who fails to conform to the requirements of this subdivision shall upon conviction of the first offense be fined not more than $300 or be imprisoned not more than three months, or both; and for the second or any subsequent offense be fined not more than $500 or imprisoned not more than six months, or both.

"(b) No individual shall, while under the influence of any intoxicating liquor or narcotic drug, operate any motor vehicle in the District. Any individual violating any provision of this subdivision shall upon conviction for the first offense be fined not more than $500 or imprisoned not more than six months, or both; and upon conviction for the second or any subsequent offense, be fined not more than $1,000 or imprisoned not more than one year, or both. Upon conviction of a violation of any provision of this paragraph the clerk of the court shall certify forthwith such conviction to the designated agent of the commissioners who shall thereupon revoke the operator's permit of such individual.

"(c) Any violation of any provision of law or regulation issued thereunder which is repealed or amended by this act and any liability arising under such provisions or regulations may, if the violation occurred or the liability arose prior to such repeal or amendment, be prosecuted to the same extent as if this act had not been enacted.

REVOCATION OR SUSPENSION OF OPERATORS' PERMITS

"13 (a) Except where for any violation of this act revocation of the operator's permit is mandatory, the commissioners or their designated agent may with or without a prior hearing revoke or suspend an operator's permit for any cause which they or their agent may deem sufficient: *Provided*, That in each case where a permit is revoked or suspended the reasons therefor shall be set out in the order of revocation or suspension: *Provided further*, That such order shall take effect five days after its issuance unless the holder of the permit shall have filed within such period, written application with the Commissioners of the District of Columbia for a review of their order or the order of their agent, and, if upon such review, the commissioners shall sustain such order, the same shall become effective immediately: *Provided*, That any individual whose permit shall be denied, suspended, or revoked by the commissioners or their agent may, within 30 days after such denial, revocation, or suspension is ordered, if application for a review by the commissioners of an order for revocation or suspension has not been filed, or in case such application has been filed, within 30 days after decision of the commissioners, apply to any justice of the Court of Appeals of the District of Columbia for a writ of error to review the order of the commissioners or their agent complained of or the decision of the commissioners. Said court is authorized to promulgate rules governing the application for the writ, and the record and proceedings thereon, and to affirm, modify, or reverse the order of the commissioners or their agent or the decision of the commissioners, where the writ is allowed pursuant hereto; and the decision of said court shall be final: *Provided further*, That the application to said court for a writ of error shall not operate as a stay of such order of the commissioners or their agent or the decision of the commissioners."

5. All convictions under this act shall be reported by the clerk of the court to the commissioners or their designated agent.

6. This act shall take effect July 1, 1931.

The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment to the amendment, which will be stated.

The CHIEF CLERK. It is proposed to strike out all of section 10 (a) on page 18, commencing with line 9, down to and including line 12, on page 19, and in lieu thereof to insert the following:

Any person operating an automobile, motor cycle, or other similar motor vehicle, who shall injure any person therewith, or who shall do substantial damage to property therewith and fail to stop and give assistance, together with his name, place of residence, including street and number, and the name and address of the owner of the motor vehicle so operated, to the person so injured, or to the owner of such property so damaged, or to the operator of such other automobile, or to any bystander who shall request such information on behalf of the injured person, or, if such owner or operator or bystander is not present, then he shall report the information above required to a police station or to any police officer within the District immediately. In all cases of accidents resulting in injury to any person, the operator of the motor vehicle causing such injury shall also report the same to any police station or police officer within the District immediately.

"Any operator whose motor vehicle causes personal injury to an individual and who fails to conform to the above requirements shall, upon conviction of the first offense, be fined not more than $500, or shall be imprisoned not more than six months, or both; and upon the conviction of his second or subsequent offense, shall be fined not more than $1,000, or shall be imprisoned not more than one year, or both.

"Any operator whose motor vehicle causes substantial damage to any other vehicle or property and fails to conform to the above requirements, shall, upon conviction of the first offense, be fined not more than $100, or be imprisoned not more than 30 days, or both; and for the second or any subsequent offense, be fined not more than $300, or be imprisoned not more than 90 days, or both."

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. McKELLAR. Now, let the bill go over.

The PRESIDENT pro tempore. The bill will go over, the amendment having been agreed to.

Mr. KEAN. Mr. President, can we not proceed with the bill?

Mr. McKELLAR. This is an important bill and I want to have an opportunity to examine it. I have not had such opportunity and will ask that it go over.

Mr. KEAN. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

PENALTY FOR DELAYS IN TRANSPORTING MAILS

The bill (H. R. 8806) to authorize the Postmaster General to impose fines on steamship and aircraft carriers transporting the mails beyond the borders of the United States for unreasonable and unnecessary delays and for other delinquencies was considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That section 4010 of the Revised Statutes (U. S. C., title 39, sec. 655) is hereby amended to read as follows:

"The Postmaster General may impose or remit fines on contractors or carriers transporting the mails by air or water on routes extending beyond the borders of the United States for any unreasonable or unnecessary delay to such mails and for other delinquencies in the transportation of the mails."

The PRESIDENT pro tempore. That completes the calendar.

PARCELS POST CHANGES

Mr. McNARY obtained the floor.

Mr. McKELLAR and Mr. PHIPPS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Oregon yield; and if so, to whom?

Mr. McNARY. I yield first to the Senator from Tennessee.

Mr. McKELLAR. I inquire if the Senator from Oregon intends to move an adjournment or a recess this evening?

Mr. McNARY. I am going to move that the Senate take a recess.

Mr. McKELLAR. I want to ask the Senator not to do that. I have before the Senate a very important resolution which has been objected to by two members of the committee which reported the resolution. The only way I can get a hearing on the resolution is during the morning hour. It relates to the parcels post and is a very important measure to the American people. I am wondering if the Senator will not be good enough to move an adjournment instead of a recess. Of course, I know an adjournment can be forced, because I do not think there are enough Senators present to take a recess if an adjournment should be insisted upon, but I do not want to do that.

Mr. McNARY. I should like to accommodate the Senator from Tennessee, but I have given my word, and must stand by the promise, that a recess would be taken tonight. One day later in the week I promise the Senator an adjournment will be taken.

Mr. McKELLAR. Very well; I will accept that statement, but I want to say to the Senator I am going to insist upon a morning hour so that the resolution may be considered.

Mr. McNARY. Very well; when that time comes we will meet the situation.

REGISTERED AND INSURED MAIL RETURN RECEIPTS

Mr. PHIPPS. Mr. President, on the call of the calendar to-day Order of Business No. 1230, being House bill 8649, was reached, and the Senator from Wisconsin [Mr. BLAINE], who did not quite understand the purpose of the bill, asked that it go over. It relates to the Post Office Department and merely affords additional service which is requested by many patrons and for which the department would charge a reasonable fee. I ask permission to recur to that order of business and to consider the bill at this time.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 8649) to authorize the Postmaster General to collect an increased charge for return receipts for domestic registered and insured mail when such receipts are requested after the mailing of the articles, and for other purposes, which was read as follows:

*Be it enacted, etc.*, That section 3928 of the Revised Statutes, as amended by section 210 of Title II of an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (43 Stat. 1068; U. S. C., title 39, sec. 386), is amended to read as follows:

"SEC. 3928. Whenever the sender shall so request, and upon payment of a fee of 3 cents at the time of mailing or 5 cents subsequent to the time of mailing, a receipt shall be obtained for any registered mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery: *Provided further*, That upon payment of the additional sum of 20 cents at the time of mailing, a receipt shall be obtained for any registered mail matter, showing to whom, when, and the address where the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery."

SEC. 2. Paragraph (a) of section 211 of Title II of an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (43 Stat. 1069; U. S. C., title 39, sec. 245), is amended to read as follows:

"SEC. 211. (a) The fee for insurance shall be 5 cents for indemnification not to exceed $5; 8 cents for indemnification not to exceed $25; 10 cents for indemnification not to exceed $50; and 25 cents for indemnification not to exceed $100. Whenever the sender of an insured article of mail matter shall so request, and upon payment of a fee of 3 cents at the time of mailing, or of 5 cents subsequent to the time of mailing, a receipt shall be obtained for such insured mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery: *Provided further*, That upon payment of the additional sum of 20 cents at the time of mailing by the sender of an insured article of mail matter, a receipt shall be obtained for such insured mail matter, showing to whom, when, and the address where the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery."

The bill was ordered to a third reading, read the third time, and passed.

RECESS

Mr. McNARY. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 10 o'clock and 22 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, January 27, 1931, at 12 o'clock meridian.

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## NOMINATIONS

*Executive nominations received by the Senate January 26, 1931*

COLLECTOR OF CUSTOMS

Edward E. Smith of Minneapolis, Minn., to be collector of customs for customs collection district No. 35, with headquarters at Minneapolis, Minn., in place of Irving A. Caswell, whose term of office expired March 19, 1929.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

Lieut. Commander Earl W. Spencer to be a commander in the Navy from the 1st day of November, 1930.

Lieut. Herman E. Halland to be a lieutenant commander in the Navy from the 1st day of July, 1930.

Lieut. John G. Farrell to be a lieutenant commander in the Navy from the 1st day of November, 1930.

Lieut. (Junior Grade) Arthur A. Ageton to be a lieutenant in the Navy from the 1st day of October, 1930.

Lieut. (Junior Grade) Allen V. Bres to be a lieutenant in the Navy from the 1st day of November, 1930.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 2d day of June, 1930:

James W. Lucas, jr.
Emile R. Winterhaler.

William D. F. Stagner, a citizen of Ohio, to be an assistant dental surgeon in the Navy, with the rank of lieutenant (junior grade), from the 22d day of January, 1931.

The following-named assistant civil engineers to be civil engineers in the Navy, with the rank of lieutenant, from the 29th day of January, 1929:

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|---|---|
| Floyd C. Bedell. | Cushing Phillips. |
| Henry E. Wilson. | George R. Brooks. |
| William O. Hiltabidle, jr. | Alexander Martin, jr. |
| William D. Chandler. | |

The following-named assistant civil engineers to be civil engineers in the Navy, with the rank of lieutenant, from the 15th day of July, 1929:

Simson C. Stengel.
James D. Wilson.

The following-named assistant civil engineers to be civil engineers in the Navy, with the rank of lieutenant, from the 12th day of August, 1929:

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|---|---|
| John C. Gebhard. | John G. Gromfine. |
| Henry R. Lacey. | John J. Chew. |
| Robert E. Bassler. | Algert D. Alexis. |
| Frederick R. Hewes. | Rufus C. Harding. |
| John A. Scoville. | Charles T. Dickeman. |
| Paul J. Halloran. | Edwin D. Miller. |
| Paul A. E. Flux. | |

## HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 26, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Breathe upon us, O breath of God, that we may love the things that Thou dost love and do that which Thou wouldst have us do. Concentrate our thoughts, our labors, and even our genius to soften the lot of the poor and the lowly; always restrain us from harsh speaking and help us to cultivate sympathy in judgment. As Thy earthly children and as servants of the Republic, chosen to augment peace and contentment throughout our land, give us brave hearts and strong minds to calmly face life, meet its situations, do Thy will, and promote the kingdom of happiness in human hearts and homes. In the name of Christ our Savior. Amen.

The Journal of the proceedings of Saturday, January 24, 1931, was read and approved.

### MERCHANT MARINE ACT

Mr. WHITE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7998, to amend subsection (d) of section 11 of the merchant marine act of June 5, 1920, as amended by section 301 of the merchant marine act of May 22, 1928, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The gentleman from Maine asks unanimous consent to take from the Speaker's table the bill H. R. 7998, with Senate amendments, and concur in the same. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and reported the following Senate amendments:

Page 2, lines 4 and 5, strike out "for the foreign trade."

Page 2, strike out lines 8 to 14, inclusive, and down to and including "into," in line 15, and insert "as fixed by the board, but provided, however, that on all contracts hereinafter entered into, the interest rate shall be not less than 3½ per cent per annum."

Page 2, line 19, after "operated" insert "exclusively and under enrollment."

Page 2, line 20, after "any" insert "calendar."

Page 2, line 21, after "operated" insert "exclusively and under enrollment."

Page 2, line 22, after "any" insert "calendar."

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I understand that the gentleman has consulted with the ranking member on the committee, the gentleman from Tennessee [Mr. DAVIS], and that he approves of this procedure?

Mr. WHITE. Mr. Speaker, I consulted the gentleman from Tennessee, and I understand he approves of concurrence in the Senate amendments.

Mr. DAVIS. Mr. Speaker, I would state to the gentleman from Texas that I have examined these amendments carefully and have conferred with several of my colleagues on the committee. We think it proper to concur in the Senate amendments.

Mr. STAFFORD. Mr. Speaker, will the gentleman explain the purport of the second amendment?

Mr. WHITE. Mr. Speaker, under present law the rate of interest on loans for vessels to be engaged in the foreign trade is fixed at the lowest rate of yield on Government securities outstanding at the time the loan is made, with some definite exceptions. Because of conditions, it has worked out that some of these loans have been at a very low rate of interest, much below the 3½ per cent, which is here proposed. Your committee thought it advisable, in view of the experience of the past months, that the minimum rate of interest should be definitely limited in the statute, and this provides in substance that the board may not loan at a less rate of interest than 3½ per cent.

Mr. STAFFORD. I take it from the reading of the other amendments that they are inconsequential.

Mr. WHITE. I think they are inconsequential.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were concurred in.

### PENDING MERCHANT MARINE BILLS

Mr. DAVIS. Mr. Speaker, I delivered an address before the last annual convention of the Mississippi Valley Association on two shipping bills that have passed the House and are now pending in the Senate. I ask unanimous consent to extend my remarks by inserting that address in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Speaker, upon an invitation to do so, I addressed the Twelfth Annual Convention of the Mississippi Valley Association on the subject of the bill introduced by me (H. R. 8361) forbidding the award of ocean-mail contracts to companies operating foreign-flag ships in competion with American-flag ships, which bill unanimously passed the House of Representatives last February; and also on H. R. 9592, known as the White preference bill, which likewise passed the House the 1st of last March.

Upon leave granted by the House I hereby insert said address in the RECORD, as follows:

It is a privilege and an honor to be invited to address the Twelfth Annual Convention of the Mississippi Valley Association, which has done so much to promote the development and welfare of the great Mississippi Valley.

You have asked me to discuss H. R. 8361, which I introduced and which unanimously passed the House of Representatives and is now pending in the Senate.

The justification for the shipping aids which Congress has provided, including the large construction loan fund and the mail contracts, is expressed in the declaration of policy found in the first section of the merchant marine act of 1920, and reaffirmed in the merchant marine act of 1928. This declaration is, in part, as follows:

"That it is necessary for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine of the best-equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce and serve as a naval or military auxiliary in time of war or national emergency."

Both the merchant marine acts of 1920 and 1928 contain many specific provisions and requirements designed to insure an American merchant marine consisting of American-flag ships, American built, American manned, and American operated, and to restrict the aids provided in said acts exclusively to the development of a strictly American merchant marine. It was never contemplated that any of the appropriations made pursuant to the authority in those acts should be diverted, either directly or indirectly, to aid foreign-flag ships.

However, the Postmaster General awarded valuable mail contracts to certain companies which, although American companies and operating some American ships, were operating much larger numbers of foreign-flag ships and in competition with American-flag ships. Furthermore, the Postmaster General was on the verge of awarding still more mail contracts to companies of this character.

In order to prevent the continuation of such an un-American policy, I prepared and introduced H. R. 8361, which in substance forbids the award of ocean mail contracts to any company which is directly or indirectly operating or controlling the operation of foreign-flag ships in competition with American-flag ships. This bill was referred to the Committee on the Merchant Marine and Fisheries of the House. This committee held extensive public hearings on the bill, embracing nearly 200 printed pages. A public invitation was extended to all American ship operators and others interested in the bill to appear and express their views. An especial invitation was extended to any who were opposed to the bill. All were heard who asked to be heard. All of the members of the Shipping Board indorsed the bill; all of them indorsing it enthusiastically and unconditionally as reported by the committee, except that one member suggested the consideration of one or two amendments. Your great organization, through Hon. Cleveland A. Newton, and your secretary, Mr. Lachlan Macleay, strongly indorsed the bill. Your association well stated that—

"It would be contrary to the purpose of the act to have any part of the aid intended for the development of the American merchant marine used for operating foreign-flag ships in competition with our own ships."

The Middle West Foreign Trade Committee enthusiastically indorsed the bill, stating among other things:

"It would be a remarkable state of affairs if Government money is to be used in fostering the competition of foreign-flag ships with our own ships."

Mr. H. J. Harding, editor of Marine News, New York City, the largest American marine publication both in size and circulation, appeared before the committee and strongly indorsed the bill.

The International Seamen's Union of America unconditionally indorsed the bill. The American Steamship Owners' Association indorsed the bill in principle, but suggested the consideration of certain conditions obtaining. Several American shipowners and operators unconditionally indorsed the bill. About two companies indorsed the bill in principle, but suggested amendments either permitting some latitude in its application or deferring the effective date thereof.

One of these, Frank C. Munson, president of the Munson Steamship Line, in his statement before the committee declared:

"I believe the principles of this bill, gentlemen, are sound." In view of the fact that he later threw his influence against the passage of the bill, I wish to quote Mr. Munson still further:

"Mr. DAVIS. Mr. Munson, as you suggested, you are operating a service between New York and the principal ports of the east coast of South America?

"Mr. MUNSON. Yes.

"Mr. DAVIS. Now, do you not think it would be unfair to you and unfair to the American merchant marine for the Shipping Board to come along and grant one or more valuable mail aids to some company, or some other service, when that same company is and would be permitted to operate foreign-flag ships in competition with your American-flag ships in that particular trade?

"Mr. MUNSON. I do.

"Mr. DAVIS. You do not think we ought to do that, do you?

"Mr. MUNSON. I do not; no.

"Mr. DAVIS. And, of course, if it would not be right in your case it would not be right in anybody's case?

"Mr. MUNSON. No; not in any case.

* * * * * * *

"Mr. ABERNETHY. And you recognize, as all these shipping men seem to do, that this subvention of mail contract is a very valuable asset to the American merchant marine?

"Mr. MUNSON. It certainly is.

"Mr. ABERNETHY. And you further carry the thought and idea that it ought not to be given to those who will not be 100 per cent American in their tonnage and in their operation?

"Mr. MUNSON. I decidedly have that opinion.

"Mr. ABERNETHY. And you think this is a good bill?

"Mr. MUNSON. I do think this is a good bill."

However, Mr. Munson later suggested some sort of an amendment which might permit an exception to be made, with particular reference to the seasonal movement of sugar; in other words, some provision which he hoped might except him from the application of the bill, although he pronounced it a good bill, sound in principle, and would want it used for his own protection.

This bill was unanimously reported by the committee to the House with the recommendation that it pass. The Committee on Rules unanimously reported a resolution providing for its consideration by the House. The bill was unanimously passed by the House February 28, 1930. No Member of the House spoke against it or voted against it. The bill went to the Senate and was referred to the Committee on Commerce, where it is still sleeping.

As American citizens, you doubtless wonder why such a bill was not promptly and unanimously reported by the Senate committee and passed by the Senate. As none of the 435 Members of the House manifested the slightest opposition to the bill, it is doubtless difficult for you to conceive why at least a majority of the members of the Senate committee could not and would not report this very meritorious bill to the Senate.

The fact of the business is that the bill was held up through the influence of three shipping companies which would be adversely affected by the provisions of the bill, to wit, the United Fruit Co., the Munson Steamship Line, and the International Mercantile Marine Corporation. These companies could probably not have prevented the reporting and passage of the bill but for the fact that Postmaster General Walter F. Brown rushed to their aid. Even the representatives of these three companies, as well as all other witnesses who appeared before the House and Senate committees, declared this bill to be sound in principle; but it remained for Postmaster General Brown, and he alone, to declare that the bill was unsound in principle; he made a partisan statement against the bill before the Senate committee. While the bill was under consideration by the Senate committee he awarded three valuable mail contracts to the United Fruit Co., although performance under one of the contracts was not to commence for two years and performance under another was not to commence for three years, for the very good reason that the United Fruit Co. did not have the ships and was not prepared to carry out the contracts in the meantime. Of course, these contracts were awarded at the time they were in order to circumvent this bill, in the event it should become a law. In this connection it is interesting to note that the specifications in the advertisements under which the three contracts were awarded to the United Fruit Co. were of such character as to prevent any company bidding against the United Fruit Co.

The United Fruit Co. has a virtual monopoly of the banana trade in the United States and in many other countries. It is also a member of the radio monopoly.

Its ships are industrial carriers, engaged in the transportation of its own fruit to the United States and other countries and in carrying back its supplies; they incidentally carry such general cargo as may be offered and for which they have space on their outward voyages; the vice president of the company at the hearings referred to their ships as "banana wagons." The fact that their ships are industrial carriers in itself constitutes sufficient reason why no mail contracts or other Government aids should be granted the United Fruit Co.

Representatives of this company admitted at the hearings that the company was prosperous, had assets of about $250,000,000, including $20,000,000 of United States Government bonds, in its treasury; that they had funds with which to build their own ships; that their ships are being operated at a profit, and have been all along, and frankly admitted that they did not need Government aid. Postmaster General Brown stated at a previous hearing on another bill that he did not think that this valuable mail subvention should be paid to any ship operator who is already so prosperous that he does not need it, and Chairman O'Connor, of the Shipping Board, agreed with him on that statement. So do I.

The representative of the United Fruit Co. declared at the hearings that the company owned and operated 25 ships under the American flag, owned and operated 14 ships under foreign flags, and chartered and operated 28 other foreign ships in its American trade. Its own book value of the 14 foreign-flag ships which the company owns aggregated less than $5,000,000. These ships are old and small. Besides, the United Fruit Co. could any day transfer them to American registry, although they would not be eligible to carry mail in performance of a mail contract. As their chartered foreign ships do not pretend to do anything except transport the company's own bananas, they are probably not in competition with American-flag ships. Even if they are, the company could cease to operate foreign-flag ships, and then not be under the ban of the bill under discussion, if enacted into law. However, this company prefers to receive valuable aids by way of construction loan funds at a low rate of interest and mail contracts from the United States Government and at the same time operate foreign-flag ships in competition with American-flag ships wherever it finds it more profitable to do so; hence its opposition to my bill.

The Munson Steamship Line, during the year 1929, operated 23 American-flag ships and 151 foreign-flag ships, 4 of which latter ships it owned and 147 of which it operated under charter; I do not wish to leave the impression that the Munson Line operated all of these ships the entire year, but it operated that many foreign-flag ships during the year. I inserted the names and tonnage of each of these ships in the hearings and in the CONGRESSIONAL RECORD, and the Munson Steamship Line never questioned the accuracy of same. The Munson Line has a 10-year ocean mail contract with our Government, under which it is receiving $1,247,584 per annum upon four ships which it is operating between New York and South America, and it was awarded this most valuable contract without any obligation whatever to construct any new ships or to replace any ships on that line. The Munson Line in every manner possible sought to obtain an additional mail contract, bidding for same against the Mississippi Shipping Co., an existing 100 per cent American steamship line, the stock of which is owned by Gulf and Mississippi Valley parties, and which company for 10 years has successfully and satisfactorily operated a liner service between New Orleans and the east coast of South America. The Mississippi Shipping Line was first owned and operated by the Shipping Board and when it was offered for sale, the Munson Steamship Line bid against the managing operator, and the latter was finally forced to pay the highest price that has been paid the Shipping Board for cargo vessels since the World War, notwithstanding the fact that the local interests were entitled to purchase the line at a reasonable price under the preference clause of section 7 of the merchant marine act, 1920, which was reaffirmed in the merchant marine act, 1928. In purchasing the line, the Mississippi Shipping Co. also obligated itself to maintain the service under the American flag for at least five years.

When an advertisement for a mail contract in this service was made, Munson filed a bid for the contract, and would doubtless have been awarded the contract but for the emphatic protest which came from Congress, from your association, and from various other sources. The Postmaster General should have promptly rejected the bid on the ground that the Munson Steamship Line was not then prepared to perform the service; it had only been operating a few occasional tramp ships, largely under foreign flags, in that service. The resentment caused by this mistreatment of the Mississippi Shipping Co. was such that Congress passed a special bill specifically providing for the mail contract to be awarded to the Mississippi Shipping Co.

The third company which I mentioned was the International Mercantile Marine Corporation. While this company is an American corporation, yet nearly all of its subsidiary companies are foreign incorporated and controlled. It has a large number of ships owned by its foreign subsidiaries and operating under foreign flags. This company and all of its subsidiaries combined have only one ship, the *Minnekahda*, operating in the foreign trade under the American flag. The International Mercantile Marine Corporation has one American subsidiary, the American Line, which

is operating three steamers in the protected intercoastal trade of the United States. This company was awarded a mail contract of $402,400 per annum, which is clearly in violation of the letter and spirit of the law, which does not and should not authorize the awarding of mail contracts to companies engaging in the coastwise or intercoastal trade, for the very good reason that foreign ships can not engage in these trades. The International Mercantile Marine Corporation desires additional mail contracts, which accounts for its opposition to the bill under discussion.

Not only are all the subsidiaries save one of the International Mercantile Marine foreign companies and foreign officered and controlled, and all of its ships under foreign flags except one in the foreign trade and three in the coastwise trade, but the International Mercantile Marine Corporation itself is British controlled. For a long period of time it has had written contracts with the British Government—still in effect—which insure British control. Among features of these contracts are provisions that the International Mercantile Marine shall do nothing injurious to the British merchant marine or British trade, and, if it does so, the British Government reserves the right to revoke the contracts. The British Government is also given the right to take over any of the ships of the International Mercantile Marine or its subsidiaries, even in case of war against the United States. This provision originally covered all ships including those under the American flag, but some years ago these contracts were exposed, there were emphatic protests from Congress, and the Shipping Board requested a modification of the contracts so as to eliminate the right of Great Britain to take over ships of this company under the American flag, and they were modified to this extent only. However, this modification was not very important as this company has such a small number of ships under the American flag. These contracts, which also contain other provisions inimical to the interests of the merchant marine of the United States, have several times been inserted in the CONGRESSIONAL RECORD and in committee hearings, including the recent hearings on my bill.

In spite of the facts related with respect to these three companies, and many other facts of the same tenor which I have not time to recite, these hybrid, foreign-affiliated shipping companies, prompted by purely selfish and un-American motives, have wielded sufficient influence to hold up this bill in the Senate committee since the 1st of last March, and the United Fruit Co. was influential enough to obtain three valuable mail contracts within a short time after the bill was referred to the Senate committee. The interests of the American Government, the American people, the American merchant marine, and the rights of the 100 per cent American companies, in competition with whom these three companies are operating foreign-flag ships, were wholly disregarded in order to protect the selfish interests of these wholly undeserving companies. In my opinion, a majority of the Committee on Commerce would have voted to report the bill at any time it should have been brought to a vote of the full committee. I am likewise of the opinion that if reported to the Senate and brought to a vote it would pass the Senate by an overwhelming vote.

The merchant marine acts were not designed primarily for the benefit of American shipowners and shipbuilders; no Member of Congress would have been justified in supporting this legislation for the purpose of bestowing favors upon the shipping interests. The construction loan fund, mail contracts, and other provisions can only be justified as a means toward the development and establishment of an American merchant marine serving all of our sections and ports in overseas commerce and providing effective naval and military auxiliaries in case of national emergency; such aids were not created for the purpose of making shipowners or shipbuilders prosperous at the expense of the Government.

There may be ground for a difference of opinion as to the propriety or wisdom of awarding valuable mail contracts to American citizens operating exclusively American ships for the purpose of developing a real American merchant marine, but there is certainly no sound basis for a difference of opinion among Americans as to the impropriety of awarding such mail contracts to companies operating foreign-flag ships in competition with American-flag ships.

All loyal American citizens, who have the interests of their country and of an American merchant marine at heart, agree that such mail contracts should be reserved alone to those citizens who are devoting all of their time, their energies, and their resources to developing an American merchant marine. We want no divided allegiance. We will not tolerate any halfway Americanism.

Those who prefer to do so are at liberty to operate all the foreign-flag ships they desire, but certainly the money of the American people should not be appropriated—or rather misappropriated—for the purpose of promoting foreign merchant marines.

Let the mail contracts be awarded alone to those companies which are willing to play the American game 100 per cent, and let those who are unwilling to play the game in that fashion go to those nations under whose flags they are pleased to ply their ships.

I was likewise requested to discuss the White preference bill, H. R. 9592.

This bill was introduced by Representative WHITE, chairman of the Committee on the Merchant Marine and Fisheries, so as to insure an effective preference to purchasers of Shipping Board lines in the award of mail contracts.

This bill proposes to amend section 407 of the merchant marine act, 1920, so as to provide:

"That should the purchaser from the United States of a steamship line heretofore or hereafter established by the United States Shipping Board and operated on a route certified by the Postmaster General under the terms of section 402, make application and submit a proposal (conforming to the specifications) for the contract for carrying the mails thereon, the Postmaster General, without advertisement for bids, shall award the contract for such route to said purchaser on the proposal submitted and without regard to any other proposal, if (1) in the opinion of the Postmaster General said purchaser possesses (with the aid of contract so to be awarded) such qualifications as to insure proper performance of the mail service under said contract; (2) if the compensation does not exceed the maximum rates authorized by section 409; and (3) if the Shipping Board, by the affirmative vote duly recorded, of four members thereof, shall determine that the awarding of the contract to such purchaser is in the public interest and will aid in carrying out the purposes of the merchant marine act, 1920, and the merchant marine act, 1928, and shall so certify to the Postmaster General."

The merchant marine act, 1920, directed the establishment and maintenance of adequate shipping services from all of our principal ports in all sections of the country. It was recognized that the best, the most useful, the most permanent American merchant marine can be established and maintained only when the different services have the support, financial and otherwise, of the various ports of the country from which they operate, together with the support of the hinterland from which the cargo flows naturally and most economically to those ports; that there should be a fair and equitable distribution and maintenance of steamship services to and from all sections of our coast line. In order to effectuate that purpose it was provided in section 7 of the 1920 act that when steamship lines should be offered for sale by the Government, preference in the sale should be given "to persons who are citizens of the United States, who have the support, financial and otherwise, of the domestic communities primarily interested in such lines," etc. The policy and primary purpose declared in this section was specifically reaffirmed in the 1928 act.

The Shipping Board made numerous sales of Shipping Board lines uniformly recognizing this preference clause. It was never challenged until last spring a year ago, when the Gulf-Brazil River Plate Line was offered for sale, when the preference was attacked by the Munson Steamship Line, of New York, which had itself been the beneficiary of the preference clause in purchasing its New York line, which submitted a bid for the line and insisted that sale should be made to it because its bid was higher than the other bidder, the Mississippi Shipping Co., which had operated the line for the Shipping Board for 10 years. The bid of the Munson Line should have been rejected and ignored, as the Mississippi Shipping Co. came clearly within the provisions of the preference clause, and of course the Munson Line did not do so in any respect. However, the bid and contention of the Munson Line forced the local company to pay twice as much for the ships as had ever been paid before for Shipping Board vessels of the same class since the war.

Not content with imposing this handicap upon the Mississippi Shipping Co., the Munson Line, which operates foreign-flag ships in competition with the local company and also operates a line from New York to the same ports in South America as the Gulf Line, proceeded to underbid the local line for the mail contract, as before explained. This case brought the situation acutely to the attention of the Congress.

Mr. WHITE introduced his amendment (H. R. 9592) in order to definitely write into the mail contract title of the merchant marine act, 1928, the same theory and the same principle of preference that is given in section 7 of the 1920 act with respect to the sales of Shipping Board lines.

The Committee on the Merchant Marine and Fisheries held hearings on the bill at which all parties were permitted to appear and testify who desired to do so. The Shipping Board unanimously indorsed the bill. The Mississippi Valley Association, through President Dawes and Mr. Newton; the Middle West Foreign Trade Committee; and various other organizations and individuals indorsed the bill. Practically no opposition to the bill was manifested at the hearings. The committee unanimously reported the bill to the House with a recommendation for its passage. The Committee on Rules unanimously reported a rule providing for the consideration of the bill. When the bill was called up in the House there was considerable debate and somewhat strenuous opposition by a small minority, chiefly from New York City. However, the bill passed the House on March 1, 1930, by a vote of 180 to 27.

When this bill was taken up in the Senate committee, Postmaster General Brown criticized certain features and insisted upon amendments, the effect of which was to give him broader power and latitude in awarding mail contracts. This, and the opposition of the Munson Steamship Line, and perhaps others, resulted in considerable discussion and controversy. The bill was finally reported by the Senate committee with certain amendments, apparently intended to conform to the views of the Postmaster General. He was still dissatisfied with the bill and was instrumental in having it recommitted to the Committee on Commerce, where it was again amended and again reported to the Senate with amendments. It is still pending in the Senate. The bill is not in a form satisfactory to the real friends of the proposal. However, if it passes the Senate in any form, it is hoped that a satisfactory bill can be worked out in conference.

As shown, the merchant marine act, 1920, undertook to insure the establishment and maintenance of adequate shipping services from all of our principal ports, and the 1928 act reaffirmed this policy. That purpose was originally carried out in good faith, but the South Atlantic, Gulf, Mississippi Valley, and Middle West have since had to fight continuously to save the Gulf and South Atlantic services. As it is, many of them have been needlessly and unfairly eliminated or curtailed. They are still talking of consolidations and curtailment in the Gulf.

The assurance that these great sections of the country would be fairly treated won the support from the South, Mississippi Valley, and Middle West necessary to insure the passage of the merchant marine act, 1920, and the merchant marine act, 1928. However, these sections have not been and are not being fairly treated.

The 1928 act directed the Postmaster General to certify to the Shipping Board what ocean mail routes, in his opinion, should be established and/or operated for the carrying of mails of the United States "distributed so as equitably to serve the Atlantic, Mexican Gulf, and Pacific coast ports."

As shown by official figures for the fiscal year ending June 30, 1929, 32 per cent of the export tonnage of the United States moves out of the Gulf and 24.5 per cent of both our export and import tonnage goes in and out of the Gulf. The export tonnage of southern ports is greater than that of either the North Atlantic or the Pacific coast; the import tonnage through all Southern ports is second to that of the entire North Atlantic and several times larger than that of the entire Pacific. New Orleans and Galveston are the second and third largest ports in this country. The Mississippi Valley produces 52 per cent of the Nation's manufactured products and 70 per cent of its agricultural products. Numberless other statistics and facts could be cited to show the importance from every standpoint of these great sections of the country.

And yet under ocean mail contracts in force on March 1, 1930, the North Atlantic was receiving $6,720,144 per annum, Pacific lines were receiving $5,788,512, Gulf lines were receiving only $295,665, and South Atlantic lines $367,567. In other words, while 32 per cent of our exports are moving through Gulf ports, yet Gulf lines are only receiving one forty-fourth of the mail-contract pay. The awards for mail contracts made since that date do not materially alter this situation.

Eighteen of the Shipping Board lines are still undisposed of; a majority of them are operating out of the Gulf. All of them are essential services. The indications are that those in authority intend to get rid of these services, so far as Government ownership and operation are concerned. It is a matter of common knowledge that eastern interests have their eyes on these remaining Gulf services and will acquire them if possible. The present operators of these services and other local interests are said to be ready and anxious to purchase these lines if assured mail contracts such as have been awarded purchasers in the North Atlantic and on the Pacific. Without such contracts they can not purchase and operate these lines. The enactment of the two bills under discussion is doubtless necessary to prevent these valuable Gulf services from being withdrawn or passing into the hands of those who would not be primarily interested, if interested at all, in the development of the Gulf and contiguous territory, including the entire Mississippi Valley and the Middle West.

In order to effectuate the primary purposes of the merchant marine acts of 1920 and 1928, in order to develop and maintain a real American merchant marine, fairly and adequately serving all sections of this country, both the bills, H. R. 8361 and H. R. 9592, should be enacted into law in the forms in which they passed the House of Representatives. Both bills are essential. There is no valid argument against either from the standpoint of justice or Americanism. There is no good excuse for emasculating either bill.

If the patriotic Mississippi Valley Association and other organizations and individuals in the vast and important sections of our country, which are being so unfairly treated, will vigorously assert their rights as American citizens and taxpayers and will exert their proper influence, both of these fair and beneficent bills will be enacted into law. Much harm has already been done. Further favoritism and discrimination should be prevented by the speedy enactment of these bills.

I wish to take this occasion to state that, both individually and as a Member of Congress, I heartily favor a speedy and complete consummation of your entire program.

ADDRESS BY HON. CHARLES R. CRISP, OF GEORGIA

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by my colleague [Mr. CRISP] over the radio on Saturday night, January 24, 1931, relating to the proposed change in the rules of the House of Representatives.

The SPEAKER. Is there objection?

There was no objection.

The address is as follows:

PROPOSED CHANGES IN THE RULES OF THE HOUSE OF REPRESENTATIVES

Under our archaic rules, the House of Representatives ceases to be a representative body. It no longer represents the constituents back home. It has become a rubber stamp to approve the affirmative decrees of its masters, the autocratic triumvirate—the Speaker, the Majority Leader, and the Chairman of the Rules Committee. Its arrogant masters, in preventing consideration of legislation, exercise veto power more effective than can the President of the United States, and do not even condescend to consider the wishes of the membership of the House. They have reduced the House to a mere cipher, an impotent legislative body. Under the rules, 80 per cent of the Members may desire to consider a bill, but, unless the august triumvirate consent, there is no way to get the measure up for consideration. Our triumvirate is drunk with power and defies the membership of the House. This is un-American, destructive of representative government, tyrannous, and intolerable. I appeal to the electorate of the Nation to correct this outrage by urging your Congressman to vote to liberalize the rules of the next House so as to insure his having a vote and voice on legislation affecting his constituents. Under the present rules, the average Member has neither.

I am not a radical and am often charged, on the contrary, with being too conservative; but I have determined to do all in my power to have the rules amended so a numerical majority of the Members of the House, irrespective of political party affiliation, can function and legislate as contemplated by the Constitution. It is manifestly impossible, with our large membership, to have unlimited debate as is the case in the Senate; but it is a travesty on popular government that when a majority of the House desire to consider a bill or vote on a vital public question four or five Members holding similar commissions to our own can prevent it. "Upon what meat doth this our Cæsar feed that he has grown so great?" I propose to exert every effort possible to correct this mockery on popular government.

I am conscious that there is no possibility of having the present House amend the present rules. Under the Constitution of the United States each House in every new Congress adopts its own rules. It is my purpose, before the rules for the next House are adopted, to offer several amendments to them which will not clog business but will restore the House to its former position of a representative body and enable a majority to work its will. I am whole-heartedly in favor of the rules I shall sponsor whether my party controls the House or is in the minority. I believe in fair play and a democratic form of government.

Obviously, it would be futile for me to discuss in detail with a radio audience the technique of the proposed amendments to the rules, but be assured they will accomplish the object sought. Before discussing the amendments let me illustrate how the present rules work, showing the absolute necessity for liberalization. The indefensible Smoot-Hawley tariff bill was passed under a gag rule. The bill contained 434 pages, of which only 4 pages were read to the House for amendment. Of the 727 paragraphs, only 6 were read and considered. Of the 435 Members of the House, only 15, the Republican members of the Ways and Means Committee who originally prepared the bill, could authorize the offering of a single amendment to the bill when it was being considered in the House. Not a single Democratic Member was permitted to offer an amendment. The Senate adopted 1,253 amendments to the bill.

Under the House gag rule, the House disposed of all but seven of them, en bloc, by one vote. The triumvirate permitted the House to vote individually on only seven of the Senate amendments. Can any red-blooded, unbiased, patriotic citizen, who subscribes to our form of government and desires well-considered legislation by Congress, approve this legislative policy?

Let me call your attention to several important bills pending in the present Congress on which our "bosses" will not permit the House to vote: The disposition of Muscle Shoals. The taxpayers have invested at Muscle Shoals over a hundred and fifty millions of dollars. The question before Congress is not one of putting the Government in business at Muscle Shoals, for the Government is now in business there, generating a small amount of electric energy and selling it to the Alabama Power Co. The power developed by the Government is sold to that company at an average price of 2 mills per kilowatt-hour, and resold to the consumers by the company at from 5 to 6 cents per kilowatt-hour, or over twenty-five times its cost to the company. Major General Brown, Chief of the United States Engineers, testified before a committee of Congress that the Alabama Power Co. had the Government at its mercy, and that, under existing conditions, the Government could not obtain a fair price for the power. For 10 years the power and fertilizer interests have prevented legislation on this subject; which is a national disgrace and injustice to the farmers and taxpayers. Since the 4th day of June, 1930, a bill dealing with this subject matter has been in conference between the House and the Senate. The House conferees will not reach an agreement with the Senate conferees, and even refuse to report back to the House a disagreement, which would permit the House to appoint other conferees or take other action on the subject matter. A large majority of the House would reach an agreement with the Senate if permitted to vote. The House conferees defy the House. Under the present rules, without the consent of our triumvirate, the House is powerless to act. One of the rules I shall propose would correct this monstrous condition and permit the House to deal with the subject.

The Senate last spring passed a joint resolution to postpone for one year the authority of the Interstate Commerce Commission to consolidate the railway systems of the Nation. Ten or 12 western States are vitally interested, and their governors and Representatives in Congress begged and plead that the House should consider the resolution. Our masters were obdurate, and

the resolution has not been considered by the House up to this date. One of the rules I shall propose would correct this tyranny and place it within the power of a majority of the House to consider this and similar resolutions.

There are pending to-day before the Ways and Means Committee about 50 bills providing for some cash settlement of the adjusted-service insurance certificates issued by the Government to our ex-service men. Business is prostrate and needs some stimulation to speedy economic recovery. Can there be a more conservative or equitable way to provide a needed inflation than to make some equitable settlement on these policies? The cash proceeds of such settlement would be distributed to every crossroad hamlet in the United States. It would not be a gratuity, but an equitable settlement by the Government of its own obligations before maturity, and, with the low rate of interest now prevailing, the Government would save three or four hundred millions of dollars by the transaction and at the same time relieve the financial distress of millions of our people—not only the ex-service men but the unhappy unemployed and their hungry families, the merchants, the banks, the physicians, the lawyers, the laboring people, for every class of citizen would be indirectly benefited by the release into the channels of trade of this amount of money. The Ways and Means Committee, through the autocratic power of its chairman, is not permitted even to have a hearing on these bills. At last Tuesday's session of the committee. the minority leader, Mr. GARNER, endeavored to make a motion that the committee have hearings on these bills, and the chairman, Mr. HAWLEY, refused to entertain the motion, saying the committee was not called for that purpose.

On the same day Mr. HAWLEY stated on the floor of the House that the committees could meet only on their regular meeting days or upon the call of the chairman. The Ways and Means Committee does not have a regular meeting day. Only 11 of the 44 standing committees have regular meeting days. Under the present rules of the House, Mr. HAWLEY is correct. If nine-tenths of the members of 33 of our 44 committees desire a meeting to consider a bill pending before them, unless the chairman agrees to call the committee together the meeting can not be held. This is "bossism" run mad and exceeds "Cannonism." I shall propose a rule that would correct this destruction of representative government and place it within the power of a majority of any committee of the House to meet whenever they desire and as often as they desire to consider any bill pending before the committee. The rule will provide that when a recalcitrant chairman will not call his committee together at the request of three of its members, then a majority of the committee can file with the clerk of the committee a written request for a meeting at a specified day and hour, and the committee is thereby automatically called to meet at that time, thus insuring the right of the committee to assemble whenever a majority desires to do so.

It is my conception of a democracy that a majority of the duly elected Representatives should have the right to vote on any public legislation pending before the body. Congressmen, whether they favor or oppose the legislation, should be willing to express their views on it. The United States Constitution says that one-fifth of the Congressmen present in the House can demand a yea and nay, or record vote, on any bill acted upon. This is intended to let the voters know the views of the legislators. To-day the most discussed, the most controversial question before the American people is prohibition.

I am constrained to think that the electorate is entitled to know the position of Congressmen on this vital issue. A record vote would settle all controversy as to how the House stands. I believe the knowledge would be helpful to the Nation. The amendment I shall offer would permit a hundred Members to force a record vote in the House on this question.

Under our present code of rules any public bill in which the people are vitally interested can be smothered in a committee and thus killed, and it is most frequently done, and by the same means the membership of the House may be prevented from going on record as to how they stand on the measure. This system of gag rule plays directly into the hands of the special interests and is a favorite method used in preventing legislation opposed by them. I believe that a man or woman elected to the high office of Congressman should have the courage to vote on any public legislation pending in Congress, and to let his constituents, who have a voice on the legislation only through their Representative, know how he stands upon it. Under the present gag system this is circumvented. If a Member refuses to commit himself to his constituents and writes noncommittal letters, under the present system his actual position remains unknown. One of my amendments to the rules would obviate this and make it possible for the House to place on record how each of its Members stands on pending legislation. The rule that would accomplish this is, in my judgment, by far the most important amendment to the rules that I shall propose. It will be known as a discharge rule. To those unfamiliar with legislative procedure, may I say that when a bill is presented to the House for action, the House refers it to one of the committees for consideration, contemplating that the committee will promptly consider it and report it back to the House with such recommendations as the committee deems proper? The House does not consider any bill until it has first been referred to a committee and reported back to the House. If the committee is opposed to the bill and desires to kill it behind closed doors, chloroform it in star-chamber proceedings, and thus prevent or protect the Members from voting on it, it refuses to report it back to the House at all, but buries it in the archives of the committee and kills it in the darkness of the committee room.

Before the House can act on the bill, it must get it away from the committee and back on the calendars of the House. The House has the inherent power to do this by discharging the committee from further consideration of the bill; but, under our present rules, there is no way to accomplish it if the triumvirate wishes to kill the bill. I shall offer a rule, to be called a discharge rule, which will correct this unhappy state of affairs. In my judgment, the rule would be a conservative and workable one, but it is harsh and drastic and should be used only to deal with a stubborn and recalcitrant committee. No discharge rule should furnish to a mere handful of disgruntled Members an opportunity to interfere with the orderly procedure of the House. The question then arises, How many desiring action on any special legislation pigeonholed in a committee should be required to make this rule operate and to require the House to vote on the motion to discharge? I have selected 100 Members as being necessary to perfect the motion and get it in order for consideration by the House. Why have I selected a hundred? When you have a code of rules, is it not wise to have them all conform to each other so far as practicable? Under the rules of the House, a hundred Members is a quorum in the Committee of the Whole House on the state of the Union for the consideration of tax measures taxing the people billions of dollars. One hundred is a quorum authorized to consider appropriation bills appropriating approximately $5,000,000,000 yearly. Therefore, if a hundred Members are competent to pass on tax and appropriation bills, are not a hundred of sufficient importance to initiate a motion to discharge a committee from the consideration of a measure, that motion only to be in order to be called up on two days out of each month?

During an entire long session of Congress there would probably be only 10 or 12 days when the motion could operate. It would not in anywise clog business. It would not in any way cause chaos. It would not, as I apprehend some of my distinguished opponents will say, provide for legislation on petition. It would do nothing of the kind. The hundred Members would simply initiate the motion, and the motion could not be filed until the bill to which it was directed had been before one of the standing committees at least 30 days. Then, when the motion had obtained a hundred signatures, it must go on the Calendar of Motions to Discharge Committees, and remain there at least seven days before it could be called up. It could be called up only on the second and fourth Mondays of each month. Now, the hundred Members would not discharge the committee—bear that in mind. The hundred would not discharge the committee, but the hundred would simply inaugurate the machinery whereby the House itself on those two days in each month would have the privilege of a 20-minute debate (10 for and 10 against) and a vote as to whether or not it desired to discharge the committee. If a majority of the House wished to discharge the committee and they so voted, the committee would be discharged and the bill would be up for consideration by the House itself. If a majority did not desire the discharge of the committee and voted against it, the motion would be defeated. I repeat, it would not be the hundred Members who discharged the committee; it would be a majority of the House voting in the affirmative, a quorum being present. Some may say this rule would place the committees of the House under duress and prevent an orderly consideration by them of the measures before them. Such a charge would reflect upon the intelligence of the House of Representatives. If a committee is honestly and seriously having hearings on and considering a bill, you could not get 10 Members to sign a motion to discharge it, nor could you get a majority of the House to discharge the committee.

The rule would not place the committees under duress but would have a tendency to make them more considerate of the wishes of the House, and probably only in rare cases would it be necessary to apply the rule. The rule is intended to deal with willful committees that are endeavoring to suppress legislation in the committee so that the House may not act upon it.

In my judgment, the Members who are not afraid and are courageous enough to let the public know their views on pending legislation, no matter how fraught with political consequences to themselves, will support the rule. I rejoice in the conviction that the overwhelming majority of the Members of the House are able, conscientious, fearless, upright men and women and that therefore they will adopt this discharge rule in the new rules for the Seventy-second Congress.

Under our present code of rules the Rules Committee is in supreme control, the dictator as to what measures of the House shall be permitted to consider. It largely executes the decrees of the triumvirate. Under the discharge rule which I have just described it would be possible on two days in each month, at the request of 100 Members, to vote as to whether or not the Rules Committee should be discharged from any resolution pending before it providing either a special order of business, or for the discharge of any standing committee from further consideration of any bill pending before it, or for immediate consideration by the House of any bill favorably reported by a committee and pending on the House calendars. This rule would absolutely place it within the power of the House to execute its will. It would destroy the autocratic and dictatorial power of the Rules Committee and make that committee a useful instrumentality in the House—the servant and not the master of the House.

I have watched new Members when they report for duty. They are able, outstanding men in their communities. They come full of enthusiasm and a conscientious desire to render service to their people. They soon find themselves hog tied by gag rule and

unable to have their bills considered or to discuss them either before the House committees or the House itself. They find that they are but small cogs in a vast piece of machinery which runs at the dictates of the few bosses. Their enthusiasm is subdued, and hope and ambition to render faithful service is changed to despair and discontent. I hope the amendments I shall propose will ameliorate this unfortunate and unhappy condition.

If the changes I shall propose are adopted, in my judgment, the rules of the House will be a workable and good code of rules, and this conviction is based on 30 years of familiarity with the procedure of the House of Representatives. If you, my countrymen, desire that the House of Representatives shall once again perform the duties of a representative body, as our forefathers who wrote the Constitution intended, I again appeal to you to request your Representative in the next Congress to cooperate in the proposed changes in the rules of the House.

Thank you, and good night.

BENEFITS OF MILITARY TRAINING IN SCHOOLS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks concerning the debate recently had in the House in respect to military training in land-grant colleges, and to include a letter from the president of Clemson Agricultural College, also a letter from Colonel Munson, who is in charge there of the Reserve Officers' Training Corps, and a letter also from Dr. G. A. Neuffer, a patron of that institution.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Reserving the right to object, what do these letters refer to?

Mr. UNDERHILL. Do they bear directly on the subject matter, and is it necessary that they should be printed?

Mr. McSWAIN. Mr. Speaker, they illustrate points I made in my extemporaneous debate, to wit, that parents are vitally interested in the Federal aid that their sons obtain during the junior and senior years in these land-grant colleges.

Mr. LaGUARDIA. The $107?

Mr. McSWAIN. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, much agitation is now going on against granting a Federal financial aid to such State schools and colleges as require military training. I am publishing a letter from Dr. G. A. Neuffer, of Abbeville, S. C., one of the best men in America. What he says hundreds of other parents in South Carolina will approve and indorse. I also print letters from Dr. E. W. Sikes, president of our land-grant college, agricultural and mechanical, at Clemson College, and from Colonel Munson, the commandant of cadets there.

JANUARY 20, 1931.

Hon. JOHN J. McSWAIN,
*Washington, D. C.*

MY DEAR SIR: I see by the papers that you are opposing the withdrawal of Federal aid to schools giving military instruction; Clemson is one of these schools. I hope you will succeed in preventing the withdrawal of this aid. I have a son at Clemson. He is now a sophomore, and I expect him to be a junior next year. By the hardest kind of work and sacrifice I have kept him there these two years, and I am counting on the R. O. T. C. help to send him the next two. Without this help I will not be able to send him; and, as you say, there are hundreds of others in the same fix.

With continued personal regards, I beg to remain

Yours cordially,

G. A. NEUFFER, M. D.

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THE CLEMSON AGRICULTURAL COLLEGE,
*Clemson College, S. C., January 23, 1931.*

Hon. J. J. McSWAIN,
*House of Representatives, Washington, D. C.*

DEAR MR. McSWAIN: I am sending you the report from Col. F. L. Munson, who is in charge of the Reserve Officers' Training Corps department here. This is the report of the present date. Among the 191 who were eliminated from the Reserve Officers' Training Corps are many who take the military courses without compensation. The college requires that they drill from two to three hours per week unless specially excused. I thank you very much for your remarks, and you are certainly in close touch with the work that we are doing. I am glad you are. As a matter of fact, these students get much more aid in this way than they get through free scholarships and free tuition.

With sincere regards, I am, very truly yours,

E. W. SIKES, *President.*

HEADQUARTERS CORPS OF CADETS,
CLEMSON AGRICULTURAL COLLEGE,
*Clemson College, S. C., January 23, 1931.*

Memorandum: To Dr. E. W. Sikes, president Clemson Agricultural College, Clemson College, S. C.

| | |
|---|---|
| Number of students enrolled this date | 1,252 |
| Number of Reserve Officers' Training Corps students | 1,061 |
| Seniors | 172 |
| Juniors | 184 |
| Sophomores | 281 |
| Freshmen | 424 |

Sophomores and freshmen receive only $10 each per year as a compensation for uniforms.

Juniors receive $30 as a compensation for uniforms and 30 cents per day for subsistence. Seniors receive as compensation for uniforms $10 and 30 cents per day for subsistence.

The total annual compensation for a junior is $124.20; the total annual compensation for a senior is $82.50; total annual compensation for all four classes, based on present Reserve Officers' Training Corps strength, is $44,092.80.

All students attending this college, without exception, desire to be enrolled in the Reserve Officers' Training Corps. The 191 who are not members have been eliminated for physical reasons, poor discipline, or for failure in their scholastic work, and in the case of a few seniors and juniors who can not be enrolled due to a lack of sufficient appropriation by Congress.

In addition to the compensation shown above, all juniors are required to attend a Reserve Officers' Training Corps camp of six weeks' duration, and while at this camp receive 70 cents per day as pay, or a total of $29.40 for the camp period.

F. L. MUNSON,
*Colonel, Infantry.*

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a resolution passed yesterday at Indianapolis by the national executive committee of the American Legion urging the cashing of the bonus certificates at once.

The SPEAKER. Is there objection?

Mr. UNDERHILL. I object.

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution of the North American Missions Congress on the subject of reindeer in Alaska.

The SPEAKER. Is there objection?

Mr. UNDERHILL. I object.

DEATH OF A FORMER MEMBER

Mr. WATRES. Mr. Speaker, Members who served here in the Sixtieth and Sixty-first Congresses will be sorrowful to learn of the death, on January 19 last, of Hon. Thomas D. Nichols, who represented the eleventh district of Pennsylvania during those Congresses.

Prior to his election to this body Mr. Nichols had been active in the cause of union labor. He took an active part in organizing, District No. 1 in Pennsylvania, of the United Mine Workers of Pennsylvania, and served as its first president throughout its formative period. He was quiet and reserved, but a zealous worker for a cause which commanded his interest, and he came to be an outstanding leader in the ranks of organized labor.

Ill health had caused his retirement and he had lived quietly at Princess Anne, Md., until the time of his death.

MINORITY VIEWS

Mr. HULL of Wisconsin. Mr. Speaker, I ask unanimous consent to file minority views on the bill (H. R. 15982) to provide for the regulation of the business of making loans of $300 or less in the District of Columbia, and for other purposes, reported by the Committee on the District of Columbia.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to file minority views on the bill H. R. 15982, reported by the Committee on the District of Columbia. Is there objection?

There was no objection.

HON. STEPHEN G. PORTER

Mr. ERK. Mr. Speaker, I ask unanimous consent to extend my own remarks by inserting in the RECORD a resolution adopted by the Committee on Foreign Affairs on the death of the late Hon. STEPHEN G. PORTER.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by

printing a resolution adopted by the Committee on Foreign Affairs on the death of the late Hon. STEPHEN G. PORTER. Is there objection?

There was no objection.

Mr. ERK. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Memorial resolution upon the death of Hon. STEPHEN G. PORTER, adopted by the Committee on Foreign Affairs of the House of Representatives, January 14, 1931.

*Resolved*, That the committee, bowing before the Divine will in the death of the Hon. STEPHEN G. PORTER, its chairman for more than 11 years, desires to record its appreciation of his brilliant career in the service of the Nation. Appointed head of the Committee on Foreign Affairs upon the organization of the Sixty-sixth Congress in 1919, he was called to direct the legislative work in connection with the country's foreign policy in the crucial period of reconstruction at the close of the World War.

Mr. PORTER introduced the House resolution declaring the termination of a state of war existing between the United States and the Imperial German Government, likewise a resolution terminating the state of war between the United States and the Imperial Austro-Hungarian Government, and restoring friendly relations. These resolutions passed the House and the Senate and were signed by the President July 2, 1921.

On November 7, 1921, he was appointed by President Harding to represent the House of Representatives as a member of the Advisory Committee to the Washington Conference on the Limitation of Armaments and was assigned to the chairmanship of the subcommittee on the Pacific and far eastern question. He took an active part in the deliberations of the conference which decided that moral and not physical force would insure a lasting peace among nations.

On February 9, 1922, he was appointed to represent the United States on the Pan American Economic Commission, and on August 1, 1922, he represented the United States at the centennial of Brazilian independence. Mr. PORTER's broad experience as a Member of Congress during the pre-war and reconstruction periods made logical his election and appointment for this and many other delicate and important duties.

He was the author of the resolution remitting the balance in China's Boxer indemnity in 1924. He introduced the resolution creating the Foreign Service Buildings Commission, became its chairman, and until his death was engaged in directing this vast construction enterprise.

An outstanding achievement was Mr. PORTER's activity on the narcotic question, and in which he made the greatest strides toward the suppression of the illicit international traffic of habit-forming drugs. What he achieved in this direction is the greatest accomplishment in the interest of humanity over the civilized world.

At the time of his death he was dean of the Pennsylvania delegation, being so elected by the other 35 Representatives from his State.

An indefatigable worker, he rendered a patriotic service to his country in various capacities and held the office of chairman of the Committee on Foreign Affairs for a greater length of time than any of his predecessors.

Conscious of the Nation's loss in the death of Mr. PORTER, the members of this committee individually mourn his passing as the passing of a friend and patriotic coworker whose memory they hold in affectionate esteem. As a further mark of respect it is directed that this resolution be spread upon the minutes of the committee and that a copy be transmitted to his family.

EDMUND F. ERK,
CYRENUS COLE,
J. CHARLES LINTHICUM,
FRANKLIN F. KORELL,
*Subcommittee*

Attest:

FRANK S. CISNA,
*Clerk, Committee on Foreign Affairs.*

THE WICKERSHAM REPORT

Mr. HESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Wickersham report.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HESS. Mr. Speaker and Members of the House, those opposing prohibition can draw from the Wickersham report ample recital of facts constituting a conclusive indictment of conditions requiring change, fully supporting the charges heretofore made by the "wet bloc" in Congress. The commission displays frankness in discussing the open drinking everywhere and by all classes of persons in disregard of the national prohibition act; its admission as to big stills; its recommendations that cider and fruit juices should have a fixed alcoholic content, although such action would meet with opposition from the farmers who now revel in their legal exemption and whose support is now the mainstay of "dry" supremacy, and which action would likewise greatly concern the Californians who would now vote dry to retain the prosperity of their grape industry. The commission quite candidly holds that wine and beer making is at the price of nullification, thus giving little encouragement to those who would modify the Volstead Act in that particular. It judiciously would make amends to the medical profession in relaxation of medicinal-liquor requirements, a belated recognition of the outrage of rights superseded by the edict of Congress. While divided on the question of punishing the buyer, the majority of the commission wisely holds that such action would increase the difficulties of enforcement.

The report includes comment on a "régime of corruption," in alliance of criminal classes and enforcing officials, saying, "Indeed, such eras are likely to follow wars." In general, the report is indeterminate except in recommendations for a larger enforcing array of officials, to bring more culprits into the Federal courts with dockets already overloaded, who, upon conviction, are to be sent to prisons already overcrowded.

The outstanding part of the report to me is embodied in finding No. 11, in the summary, as published in the press, recommending a substitute for the eighteenth amendment, which reads in part:

"Section 1. The Congress shall have power to regulate or to prohibit the manufacture, and so forth * * * of intoxicating liquors * * * for beverage purposes."

This represents a surprising victory for the wets. It is a substitute that would lose to the drys their argument that opposition to the Constitution is treason. It concedes the wet charge that a prohibition declaratory statute has no place in the Constitution. To prohibit in the Constitution is one thing; to lodge in Congress the power to regulate to the point of prohibition is quite another. The people are very free to criticize Congress; they are more chary to oppose the Constitution, which, to many, appears as an accomplished finality.

The mere fact that the commission virtually as a whole looked ahead and recommended this new eighteenth amendment after further trial of the present eighteenth amendment was had, is an admission that the members looked for no betterment of observance under the present eighteenth.

The new eighteenth amendment may give promise of elasticity by legislation more responsive to public sentiment, replacing a rigidity which now exists, but it has decided drawbacks to one who would abolish national prohibition except as exercised in interstate commerce. The new eighteenth amendment would make the subject a continuous national issue at every congressional election, particularly in urban centers. The old eighteenth amendment at least made an attempt to recognize the "concurrent" jurisdiction in the States; the new eighteenth amendment would drop section 2 from the present provision altogether. Just how much part this section played in both submission and ratification of the existing eighteenth amendment is, of course, conjectural, but that it did have an important rôle can hardly be doubted. The "dry" South, with its traditional love for State rights, would likely resent the dropping of section 2 by rejecting the proposed substitute. In fact, I doubt if the new eighteenth amendment could be ratified.

Throughout the Wickersham commission's report there is a constant reference to the "essential cooperation" of the States, and the "support of public opinion in the several States," which is deemed imperative for enforcement legislation emanating from Washington, for which, perhaps, not a single Congressman from a particular State might have voted. To lodge power in Congress only, therefore, is to invite further force to the view now growingly held that it is a Federal law only, and to leave enforcement to Federal action only. This bedrock opposition to the eighteenth amendment and the Volstead law exists. It is futile to expect that a change to the new eighteenth amendment would promote any improvement whatever.

In this connection I call attention to the conclusion of the report, reciting the requirements to be met in the event of

the revision of the eighteenth amendment, as recommended. Six paragraphs set out the objectives. All are worth reading, though they may lead to the conclusion that it is quite impossible to reconcile the irreconcilable.

For instance, it is stated in the first paragraph that revision of the eighteenth amendment "should admit of different modes or types of prohibition, or control, in different localities in case Congress approves. It should aim at keeping control in the Nation and committing details and initiative to the States." I can picture a Representative rising in his seat to submit for the approval of Congress a particular type of prohibition for his constituency, or lack of prohibition, which I presume is likewise meant. How would he fare in a "dry" Congress? And with repeated failure, how much initiative would emanate from the States? Why not look facts squarely in the face? If States must provide the initiative, if their support is so all essential, what possible reason can there be against giving them full control of the subject within their own borders? The required approval of Congress is an invitation to have State action dominated by other States not in sympathy with the initiating State—a loss of State sovereignty otherwise paramount, except as inhibited by the Federal and its own Constitution.

Paragraph 5 of these objectives to be met reads: The revision of the eighteenth amendment "should allow adjustment to local opinion, so as to do away with the strain on courts and prosecuting machinery involved in the attempt to force an extreme measure of universal abstinence in communities where public opinion is strongly opposed thereto, while subjecting the means of adjustment to national approval, and so insuring against the return of the saloon anywhere." This, I take it, would permit a laxity of enforcement until the community had caught up with the national sentiment. I am afraid that last would never happen.

I have commented enough to indicate that my views have not only remained unchanged, but that they have been strengthened by the commission's report that the repeal of the eighteenth amendment is the first step for a rational settlement of the liquor question, by local option within each State.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 14246) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes.

The Clerk read the conference report.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14246) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 64, 65, 66, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 29, 42, 43, 60, 61, 62, 63, and 69, and agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For establishing and equipping a Coast Guard station at or near Port Orford on the coast of Oregon as authorized in the act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes,' approved March 3, 1891 (26 Stat., p. 958), to be immediately available, $83,500."

And the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, and 67.

WM. R. WOOD,
M. H. THATCHER,
GUY U. HARDY,
GEO. A. WELSH,
JOSEPH W. BYRNS,
WILLIAM W. ARNOLD,
*Managers on the part of the House.*

LAWRENCE C. PHIPPS,
REED SMOOT,
GEO. H. MOSES,
WM. J. HARRIS,
CARTER GLASS,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14246) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On No. 5: Strikes out the authority, inserted by the Senate, excepting electrically powered typewriting machines from the price limitations imposed by the bill for the purchase of standard typewriting machines.

On No. 28: Appropriates $83,500 for the establishment of a Coast Guard station at or near Fort Orford, Oreg., instead of $143,500, as proposed by the Senate, to include stations at or near Grand Island, Mich., and on the coast of Green Bay, Wis.

On No. 29: Makes the appropriation for construction of the Coast Guard Academy "immediately available," as proposed by the Senate.

On Nos. 42 and 43: Restores to the bill, as proposed by the Senate, the assay offices at Carson City, Nev.; Boise, Idaho; Helena, Mont.; and Salt Lake City, Utah.

On No. 60: Appropriates $53,000,000, as proposed by the Senate, instead of $53,500,000, as proposed by the House, for compensation of postmasters.

On No. 61: Appropriates $8,800,000, as proposed by the Senate, instead of $8,700,000, as proposed by the House, for allowances to third-class post offices to cover the cost of clerical services.

On No. 62: Appropriates $1,500,000, as proposed by the Senate, instead of $1,600,000, as proposed by the House, for village delivery service.

On No. 63: Appropriates $1,400,000, as proposed by the Senate, instead of $1,450,000, as proposed by the House, for car fare and bicycle allowances.

On Nos. 64 and 65: Strikes out the increase of $345,000, proposed by the Senate, in the allotment for carrying foreign mail by aircraft under contract.

On No. 66: Strikes out the increase of $750,000, proposed by the Senate, in the appropriation for transportation of domestic mail by aircraft under contract.

On No. 68: Strikes out the limitation, inserted by the Senate, prohibiting the payment of rentals for quarters for the housing of Government-owned vehicles in the Postal Service unless the leases therefor have been entered into in accordance with the conditions specified in the amendment.

On No. 69: Strikes out, as proposed by the Senate, section 4 of the House bill, which prohibited the use of appropriations in the bill for making administrative increases in salary by taking advantage of savings in appropriations accruing from lapses, etc.

DISAGREEMENTS

The committee of conference have been unable to agree on the Senate amendments or parts of Senate amendments dealing with increases in salaries totaling $1,173,900 under

the Treasury Department and $16,480 under the Post Office Department, an aggregate of $1,190,380. These salary increases involve 53 different amendments, 46 of which are exclusively salary increase amounts and 7 of which are involved with other purposes of difference between the two Houses.

The 46 amendments in disagreement dealing exclusively with salary increases are as follows: Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 31, 32, 33, 36, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 58, 59, and 67.

The seven amendments involving salary increases, along with other purposes of difference, are as follows: Nos. 30, 34, 35, 44, 52, 56, and 57. As to the purposes in these amendments other than salary increases the committee of conference have agreed upon the following action to be submitted after a determination of the salary portion of the amendments:

On No. 30: The total amount for the Coast Guard.

On No. 34: To increase the House appropriation for "pay of acting assistant surgeons," Public Health Service, by $2,200, as proposed by the Senate, to cover quarantine inspection of trains coming in from Mexico.

On No. 35: To increase the House appropriation for "pay of all other employees," Public Health Service, by $3,600, as proposed by the Senate, to cover quarantine inspection of trains coming in from Mexico.

On No. 44: To increase the House appropriation for mints and assay offices by $25,820, as proposed by the Senate, to comport with action submitted under amendments 42 and 43 in restoring four assay offices to the bill.

On No. 52: To increase the appropriation for salaries, office of the First Assistant Postmaster General, by $5,240, as proposed by the Senate, to provide for additional employees.

On No. 56: To increase the appropriation for salaries, office of the Solicitor for the Post Office Department, by $12,320, as proposed by the Senate, to provide for additional employees.

On No. 57: To increase the appropriation for salaries, office of the chief inspector, Post Office Department, by $12,300, as proposed by the Senate, to provide for additional employees.

The managers on the part of the House have agreed to recommend that the House recede and concur in Senate amendments Nos. 21 and 24, respectively, involving legislation, and relating to the Bureau of Industrial Alcohol and the Bureau of Narcotics, Treasury Department. No. 21 relates to the collection and dissemination of information by the Bureau of Industrial Alcohol and the concentration of distilled spirits in bonded warehouses and No. 24 relates to the collection and dissemination of information by the Bureau of Narcotics.

WILL R. WOOD,
M. H. THATCHER,
GUY U. HARDY,
GEO. A. WELSH,
JOSEPH W. BYRNS,
WILLIAM W. ARNOLD,
*Managers on the part of the House.*

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. WOOD. Mr. Speaker, I ask unanimous consent that the following Senate amendments, dealing exclusively with the salary increases, be considered en bloc: Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 31, 32, 33, 36, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 58, 59, and 67.

Those all have reference to the salary increases.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the amendments referred to by himself be considered en bloc. Is there objection?

There was no objection.

The amendments are as follows:

Page 4, line 3, strike out "$558,184" and insert "$560,344."
Page 5, line 15, strike out "$193,080" and insert "$193,860."
Page 6, line 10, strike out "$126,360" and insert "$127,200."
Page 6, line 18, strike out "$137,360" and insert "$138,200."
Page 8, line 16, strike out "$92,660" and insert "$93,080."
Page 8, line 24, strike out "$167,740" and insert "$168,280."
Page 11, line 9, strike out "$67,905" and insert "$68,325."
Page 11, line 25, strike out "$23,983,600" and insert "$24,602,260."
Page 12, line 6, strike out "$476,870" and insert "$482,270."
Page 12, line 17, strike out "$149,000" and insert "$150,500."
Page 12, line 18, strike out "$159,000" and insert "$160,500."
Page 14, line 11, strike out "$1,227,800" and insert "$1,236,980."
Page 14, line 13, strike out "$332,746" and insert "$333,286."
Page 14, lines 17 and 18, strike out "$257,320; in all, $262,320" and insert "$258,580; in all, $263,580."
Page 14, line 21, strike out "$53,363" and insert "$53,483."
Page 16, line 3, strike out "$33,962,560" and insert "$34,116,700."
Page 16, line 4, strike out "$8,922,300" and insert "$9,000,000."
Page 18, line 13, strike out "$4,814,420" and insert "$4,867,940."
Page 18, line 13, strike out "$370,580" and insert "$374,600."
Page 19, line 15, strike out "$1,708,528" and insert "$1,719,688."
Page 19, line 16, strike out "$211,620" and insert "$214,500."
Page 20, line 5, strike out "$374,660" and insert "$381,140."
Page 20, line 13, strike out "$12,000" and insert "$12,300."
Page 22, line 8, strike out "$105,220" and insert "$105,760."
Page 26, line 9, strike out "$6,700,000" and insert "$6,705,100."
Page 27, line 17, strike out "$564,140" and insert "$569,900."
Page 28, line 11, strike out "$340,135," and insert "$340,795."
Page 30, line 18, strike out "$6,563,812" and insert "$6,661,732."
Page 32, line 21, strike out "$414,700" and insert "$419,680."
Page 32, line 25, strike out "$68,040" and insert "$68,520."
Page 33, line 15, strike out "$46,620" and insert "$46,800."
Page 34, line 17, strike out "$41,355" and insert "$41,535."
Page 35, line 8, strike out "$39,060" and insert "$39,360."
Page 41, line 10, strike out "$1,727,900" and insert "$1,746,440."
Page 43, line 6, strike out "$1,938,300" and insert "$1,956,840."
Page 43, line 7, strike out "$1,259,600" and insert "$1,275,980."
Page 44, line 10, strike out "$8,460,000" and insert "$8,599,200."
Page 47, line 19, strike out "$427,800" and insert "$429,720."
Page 48, line 13, strike out "$220,790; in all, $235,790" and insert "$221,450; in all, $236,450."
Page 49, line 2, strike out "$279,445" and insert "$281,245."
Page 49, line 8, strike out "$535,000" and insert "$544,240."
Page 49, line 10, strike out "$444,820" and insert "$446,980."
Page 49, line 12, strike out "$775,890" and insert "$778,890."
Page 49, line 14, strike out "$369,150" and insert "$370,770."
Page 49, line 18, strike out "$38,630" and insert "$38,810."
Page 49, line 19, strike out "$47,370" and insert "$47,670."
Page 63, line 8, strike out "$710,000" and insert "$711,800."

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Would a motion to concur have preference over the motion to insist?

The SPEAKER. A motion to recede and concur would have precedence.

Mr. LAGUARDIA. Mr. Speaker, I move that the House recede and concur in the Senate amendments mentioned by the gentleman from Indiana.

Mr. WOOD. I yield five minutes to the gentleman from New York.

Mr. LAGUARDIA. Gentlemen of the House, you are all familiar with the amendments now before the House.

Briefly, a test vote was taken on this proposition by the House in a record vote. The House struck from the Department of the Interior bill the so-called Wood amendment, which specifically prohibited automatic increases provided for in the classification act. The amounts necessary to carry out the intent of the act were not contained in the House bill. I understood, and I believe, that a great many of the Members who voted to strike out the Wood amendment were under the impression that the amounts would be inserted in the bill before it came back to the House. We at that time had no way of doing it, because the Wood amendment was the last section of the bill.

The Senate reinstated the amounts necessary to carry out the intent of the Welch and Brookhart Acts. It not only reinstated the amounts necessary, but if I may be permitted to say so, spoke in no uncertain terms as to its attitude on this matter. By concurring in the Senate amendments all that we do is to carry out the wishes of a majority of

the House as expressed in the record vote which struck out the so-called Wood amendment and carry out the commitment of Congress to the Federal employees.

Mr. HALE. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. HALE. Is precisely the same question that is before the House now and precisely the same amounts involved, as were involved in the vote previously taken by the House?

Mr. LAGUARDIA. There were no amounts involved.

Mr. HALE. There was an amount of increase involved?

Mr. LAGUARDIA. Yes.

Mr. HALE. And is the same amount involved in this question now?

Mr. LAGUARDIA. It is carrying out the provisions of the classification acts.

Mr. SNELL. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. SNELL. I was interested in and helped the gentleman on the other fight, but I do not understand the situation exactly as the gentleman does now. As I understand the situation, there is much more involved in the proposition before the House at the present time than there was in what was known as the original Wood amendment. The original Wood amendment only prohibited using the lapses for increasing or adjusting compensation within grades. This makes a definite appropriation to increase the salaries all along, throughout the entire grades. This carries an appropriation of over a million dollars, while the Wood amendment proper did not ask for any increased appropriation.

Mr. LAGUARDIA. Of course not.

Mr. SNELL. Then, it is not the same thing. The gentleman gave me the impression that it was the same thing that the House expressed itself on before.

Mr. LAGUARDIA. I say so still, because under the classification act these automatic increases can not be made unless Congress appropriates the money. There is that specific provision in the act. Therefore, it is necessary to reinstate the amounts originally contained in the departmental estimates, approved by the Budget Bureau, but which the committee eliminated.

The Wood amendment was an express prohibitory provision, and the amounts eliminated by the committee naturally carried out the intent and purpose of the Wood amendment. These amounts, with the Wood amendment, would be inconsistent, and the bill without the Wood amendment is inconsistent, unless the amounts now under discussion are reinstated. And why? While it purports to give relief to employees by carrying out the intent of the Welch and Brookhart Acts, it does not provide the money to carry out the increases. Let us be fair about it. There can not be any question as to that.

Mr. SNELL. I want to be fair, and I want to be absolutely sure, but that is not the way I understand it. I want some member of the committee to tell us definitely and positively what the situation is.

Mr. LAGUARDIA. I repeat, if the Wood amendment had remained in the bill there would have been no justification for the increases upon which we are voting now because they could not be used, but with the amendment stricken out these amounts are necessary to carry out the mandate of the law.

Mr. RAMSPECK. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RAMSPECK. Is it not true that the bill as passed by the Senate simply carries out the recommendation of the President and the Budget?

Mr. LAGUARDIA. I do not think that is disputed at all, and I hope there will be no misapprehension as to what this does. The Senate simply reinstated the Department of Budget figures and is in keeping with the views of the House as expressed in the vote on the Wood amendment.

Mr. SWING. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SWING. Do I understand that the amount of money added by the Senate is the amount that is necessary in order to pay the salaries which are provided for by existing substantive law?

Mr. LAGUARDIA. Exactly. These amounts were stricken from the estimates, from the Budget recommendations, and from the President's recommendations, in keeping with the intent of the Wood amendment, but the Wood amendment having been stricken from the bill, these amounts must necessarily be reinstated. In other words, if we meant what we said when we struck out the Wood amendment, we must now go along with the Senate amendments.

Mr. SWING. If we meant what we said when we passed the Welch Act, then these amounts must be appropriated?

Mr. LAGUARDIA. Yes. Gentlemen, there was considerable talk when the proposition was last before us as to the high salaries of Government employees. The purpose of the classification acts was to provide small automatic increases, always depending upon the efficiency rating of the employee. In many cases the only hope of increase or promotion in the lower grades is small increases of $60 a year from time to time. Under these same acts an employee can be lowered in his grade or in the steps within the grade if he does not keep up to a required efficiency standard. I want to insert a letter from the Classification Board which gives the number of employees in the Federal Service now drawing less than $1,620 a year and the number drawing less than $1,800 a year. Forty per cent of the total number of Federal employees are drawing less than $1,620 a year, and 51.9 per cent are drawing less than $1,800 a year. I will read these letters from the Classification Board:

PERSONNEL CLASSIFICATION BOARD,
*Washington, December 10, 1930.*

Hon. F. H. LAGUARDIA,
*House of Representatives, Washington, D. C.*

MY DEAR MR. LAGUARDIA: The number of Federal employees whose salaries are $1,800 or less and whose compensation is fixed in accordance with the classification act is 79,525 out of a total of 146,036. This number is divided between the departmental service in Washington and the field services outside of Washington as follows:

| | |
|---|---|
| Departmental service: | |
| Total number of employees | 47,377 |
| Number receiving $1,800 a year or less | 28,346 |
| Percentage of total | 59.8 |
| Field service: | |
| Total number of employees in the continental United States | 98,659 |
| Number receiving $1,800 a year or less | 51,177 |
| Percentage of total | 51.9 |

Very truly yours,

WM. H. MCREYNOLDS, *Director.*

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PERSONNEL CLASSIFICATION BOARD,
*Washington, December 11, 1930.*

Hon. F. H. LAGUARDIA,
*House of Representatives, Washington, D. C.*

DEAR MR. LAGUARDIA: The approximate number of Federal employees whose salaries are $1,620 or less and whose compensation is fixed in accordance with the classification act is 57,845 out of a total of 146,036. This number is divided between the departmental service in Washington and the field service outside of Washington, as follows:

| | |
|---|---|
| Departmental service: | |
| Total number of employees | 47,377 |
| Number of employees receiving $1,620 or less | 18,251 |
| Percentage of total | 38.7 |
| Field service: | |
| Total number of employees in the continental United States | 98,659 |
| Number receiving $1,620 a year or less | 39,594 |
| Percentage of total | 40.1 |

The number of Federal employees whose salaries are $1,200 or less is 15,640 out of a total of 146,036. This number is divided between the departmental service in Washington and the field service outside of Washington, as follows:

| | |
|---|---|
| Departmental service: | |
| Total number of employees | 47,377 |
| Number receiving $1,200 a year or less | 3,247 |
| Percentage of total | 6.9 |
| Field service: | |
| Total number of employees in the continental United States | 98,659 |
| Number receiving $1,200 a year or less | 12,393 |
| Percentage of total | 12.6 |

Very truly yours,

WM. H. MCREYNOLDS, *Director.*

Under permission granted me I will here insert a table showing the grades, service, and number of employees in each of the grades. I want to point out that in 1930 as well as in 1931 the average in each grade actually being paid to employees is lower than the standard average fixed by the law for each grade. In other words, the average Government employee is at this time getting below the average standard of the grade he is in. The table will speak for itself.

*Average salaries of Federal employees in the District of Columbia, taken from Budget estimates*

| Service and grade | 1930 | | 1931 | | Standard average over— |
|---|---|---|---|---|---|
| | Number | Average of actual amounts paid | Number | Average of actual amounts paid | |
| Professional and scientific: | | | | | |
| Grade 9 | 26.8 | $10,187 | 33 | $10,212 | $9,000 |
| Grade 8 | 70.6 | 8,542 | 65 | 8,515 | 8,500 |
| Grade 7 | 132.4 | 7,766 | 152.7 | 6,844 | 7,000 |
| Grade 6 | 522.4 | 5,839 | 593.4 | 5,832 | 6,000 |
| Grade 5 | 1,335.7 | 4,788 | 1,400.6 | 4,786 | 4,900 |
| Grade 4 | 362.6 | 3,872 | 476.7 | 3,883 | 4,100 |
| Grade 3 | 1,429.9 | 3,361 | 1,557 | 3,358 | 3,450 |
| Grade 2 | 1,015 | 2,754 | 1,132.9 | 2,747 | 2,850 |
| Grade 1 | 735.4 | 2,110 | 898.4 | 2,087 | 2,250 |
| Total | 5,630.8 | | 6,309.7 | | |
| Subprofessional: | | | | | |
| Grade 8 | 152.8 | 2,748 | 159.9 | 2,779 | 2,850 |
| Grade 7 | 144.5 | 2,490 | 155 | 2,490 | 2,550 |
| Grade 6 | 462.6 | 2,171 | 472.1 | 2,190 | 2,250 |
| Grade 5 | 434 | 1,887 | 474.7 | 1,893 | 1,950 |
| Grade 4 | 466 | 1,690 | 471.1 | 1,696 | 1,770 |
| Grade 3 | 261.4 | 1,519 | 324.1 | 1,523 | 1,590 |
| Grade 2 | 739.1 | 1,324 | 782 | 1,314 | 1,410 |
| Grade 1 | 123.2 | 1,095 | 130.9 | 1,099 | 1,170 |
| Total | 2,783.6 | | 2,969.8 | | |
| Clerical, administrative, and fiscal: | | | | | |
| Grade 16 | 42.9 | 11,422 | 65 | 11,311 | 9,000 |
| Grade 15 | 64 | 8,797 | 44 | 8,761 | 8,500 |
| Grade 14 | 49 | 6,918 | 56 | 6,884 | 7,000 |
| Grade 13 | 227.4 | 5,886 | 246 | 5,858 | 6,000 |
| Grade 12 | 435.1 | 4,784 | 451.1 | 4,789 | 4,900 |
| Grade 11 | 98.6 | 3,917 | 132.5 | 3,914 | 4,100 |
| Grade 10 | 263.2 | 3,696 | 275.5 | 3,693 | 3,750 |
| Grade 9 | 737.1 | 3,394 | 761.4 | 3,389 | 3,450 |
| Grade 8 | 413 | 3,096 | 435.6 | 3,099 | 3,150 |
| Grade 7 | 1,400.5 | 2,795 | 1,406.5 | 2,800 | 2,850 |
| Grade 6 | 1,423.1 | 2,483 | 1,446.6 | 2,491 | 2,550 |
| Grade 5 | 2,635.1 | 2,198 | 2,702.9 | 2,201 | 2,250 |
| Grade 4 | 4,168.3 | 1,918 | 4,255.1 | 1,923 | 1,950 |
| Grade 3 | 7,150 | 1,735 | 7,373.1 | 1,738 | 1,770 |
| Grade 2 | 6,971.5 | 1,555 | 6,946.1 | 1,561 | 1,590 |
| Grade 1 | 2,352.3 | 1,382 | 2,341.2 | 1,382 | 1,410 |
| Total | 28,431.1 | | 28,938.6 | | |
| Custodial: | | | | | |
| Grade 10 | 17 | 2,838 | 18 | 2,830 | 2,850 |
| Grade 9 | 38 | 2,489 | 38 | 2,497 | 2,550 |
| Grade 8 | 65 | 2,244 | 66 | 2,244 | 2,250 |
| Grade 7 | 245.7 | 1,980 | 262.1 | 1,987 | 2,016.67 |
| Grade 6 | 590 | 1,787 | 616.8 | 1,801 | 1,830 |
| Grade 5 | 329 | 1,596 | 352 | 1,611 | 1,650 |
| Grade 4 | 696 | 1,413 | 708.2 | 1,436 | 1,470 |
| Grade 3 | 2,984.7 | 1,310 | 3,024.7 | 1,318 | 1,350 |
| Grade 2 | 2,690.9 | 1,084 | 2,907.7 | 1,095 | 1,230 |
| Agriculture Department: | | | | | |
| Grade 2 | 136 | 465 | 136 | 465 | (1) |
| Grade 1 | 208.3 | 655 | 208.4 | 660 | 720 |
| Total | 8,000.6 | | 8,337.9 | | |
| Clerical-mechanical: | | | | | |
| Grade 4 | 30 | 2,225 | 30 | 2,225 | (2) |
| Grade 3 | 163 | 1,847 | 163 | 1,847 | (3) |
| Grade 2 | 1,199.3 | 1,626 | 1,167 | 1,626 | (4) |
| Grade 1 | 1,325.4 | 1,369 | 1,275 | 1,369 | (5) |
| Total | 2,717.7 | | 2,635 | | |
| Grand Total | 47,563.8 | | 49,191 | | |

[1] 47½ cents per hour. [2] 90 cents per hour. [3] 72½ cents per hour. [4] 62½ cents per hour. [5] 52½ cents per hour.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. WOOD. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, it is misleading and unfair to speak of the salaries covered by the Senate amendments as increases in salaries. What is proposed to be done is to pay the salaries which we voted in 1923, when we passed the classification act [applause], which up to date have not yet been paid. Now, what the economic situation in the country generally is has nothing to do with the proposition, but the fact is that we are gyping the Government employees out of what we voted them. [Applause.]

Mr. WOOD. Mr. Speaker and gentlemen of the House, when the Treasury and Post Office appropriation bill was before the House the so-called Wood amendment, which would have prevented any sort of increase in salary was adopted. Had that prevailed throughout all the other appropriation bills it would have prevented all increases in salaries out of lapses or the use of any money whatsoever for the so-called step-ups in all of the departments.

Mr. SPROUL of Illinois. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. SPROUL of Illinois. I think this is important enough to have a quorum present.

The SPEAKER pro tempore (Mr. TREADWAY). Does the gentleman make a point of order?

Mr. SPROUL of Illinois. I make the point of order that there is not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and ninety-two Members are present, not a quorum.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 18]

| | | | |
|---|---|---|---|
| Auf der Heide | Doyle | Kendall, Pa. | Rich |
| Bacon | Drewry | Kennedy | Rowbottom |
| Bankhead | Ellis | Knutson | Sabath |
| Beck | Esterly | Korell | Sanders, N. Y. |
| Black | Evans, Calif. | Kunz | Seger |
| Boylan | Fenn | Lambertson | Short |
| Brigham | Fish | Lea, Calif. | Sirovich |
| Britten | Fitzpatrick | Lindsay | Somers, N. Y. |
| Browne | Gambrill | Ludlow | Sparks |
| Brunner | Garrett | Mansfield | Stevenson |
| Buckbee | Golder | Michaelson | Sullivan, N. Y. |
| Carley | Granfield | Montague | Sullivan, Pa. |
| Celler | Hoffman | Nelson, Wis. | Taylor, Colo. |
| Chase | Hudspeth | Newhall | Thompson |
| Chiperfield | Hull, William E. | Niedringhaus | Turpin |
| Clark, N. C. | Igoe | Norton | Underwood |
| Connolly | Jenkins | O'Connor, N. Y. | Wainwright |
| Cooper, Wis. | Johnson, Ill. | Oliver, N. Y. | Wason |
| Corning | Johnson, Ind. | Owen | Williams, Tex. |
| Craddock | Johnson, Nebr. | Palmisano | Wilson |
| Cullen | Johnson, S. Dak. | Prall | Wolfenden |
| Dempsey | Johnson, Wash. | Pratt, Harcourt J. | Zihlman |
| Dickstein | Kahn | Pratt, Ruth | |
| Douglass, Mass. | Kearns | Pritchard | |
| Doutrich | Kemp | Reid, Ill. | |

The SPEAKER pro tempore. Three hundred and thirty-four Members have answered to their names, a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

Mr. WOOD. Mr. Speaker, ladies and gentlemen, the only purpose I have in speaking further upon this question is to relieve the minds of the membership of some errors that I know have lodgment.

The question of salaries which is to be settled through the adjustment of the differences between the two Houses on the Treasury and Post Office appropriation bill is vital to all appropriation bills, because whatever is determined upon this bill must be the settled policy of Congress at this session with reference to all bills.

The immediate issue involves additions to appropriations inserted by the Senate in this bill totaling $1,190,000 to cover increases in salaries during the next fiscal year in the so-called underaverage grades of the classification act. This additional amount is a part of the Budget increase of $4,250,000 at this session for all appropriation bills, which sum is the first year's increment of a 3-year program to cost annually, when all increments have been given, $14,500,000 more for salaries than the present figures.

The Committee on Appropriations in reporting the appropriation bills to the House at this session took two positions with reference to salary increases: (1) They inserted

in several of the appropriation bills a limitation (known as the Wood amendment) prohibiting any increases in compensation whatsoever during the next fiscal year under the classification act; (2) they eliminated all additional funds requested in connection with the various bills involving this further sum of $4,250,000 as the first increment of the $14,500,000 program.

The House by a record vote on the Interior Department appropriation bill struck out the committee's limitation with reference to prohibiting administrative promotions in the normal way by use of regular funds accruing from the lapses, and so forth. The committee, therefore, is bound by the action of the House in that matter and has not included that limitation in the other appropriation bills, and the House conferees have agreed to Senate action in striking it from this bill.

There remains for final determination the question of adding any further money for use by the Government departments to augment the number of increases in salary which can now be made administratively by use of the regular appropriations unsupplemented by this proposed 3-year scheme.

Much has been said about the fact that the President and the Budget Bureau have recommended these step-ups. This recommendation was made at a time when conditions in this country were vastly different from what they are now; at a time when not so many people were unemployed; at a time when the State of North Carolina, the State of Oklahoma, and other States in the Union would not have required their officers to reduce their salaries 10 per cent in order that they might take care in some little degree of the unemployed within their borders.

Now, what a beautiful spectacle it is for the Congress of the United States, supposed to be cognizant of all this suffering, of all this woe throughout the United States, when, if we are to believe the evidence that comes here, there are millions that have no place to sleep and no bite to eat, to find ourselves increasing the salaries of those who are already well paid.

The gentleman from New Jersey [Mr. LEHLBACH] said we would only be carrying out the suggestion made by the President and the Budget. There never has been a law that mandated this appropriation. The law upon which this is based contains this provision:

> In no case shall the compensation of any employee be increased unless Congress has appropriated the money to make such increase.

It is entirely within the discretion of this Congress, and this Budget recommendation was made in the same perfunctory way that they would recommend many other discretionary appropriations.

There are some other things I want to call to your attention.

These employees have been dealt with generously by the Government. Their salaries have moved forward at a substantial rate. The classification act of 1923, for the first time in the history of the Government, divided the employees into classes of service subdivided into appropriate grades and salary ratings and made possible a flexible system of administrative action with reference to the performance of duties and compensation therefor. The act of May 28, 1928, known as the Welch Act, revised upward the salary schedules of the 1923 act. The Welch Act was effective with the fiscal year 1929, starting on July 1, 1928, and increased the pay of practically every employee subject to it. The net added cost under that act was approximately $20,000,000 annually. The Welch Act, however, by its interpretation, resulted in some inequalities, particularly among the lower-paid employees, and in order to correct these the act of July 3, 1930, known as the Brookhart Act, was passed, which amended the salary schedules of the Welch Act in certain particulars. The Brookhart Act went into effect on July 1, 1930, and is in operation for the first time during this current fiscal year. Its additional cost to the Government is $3,900,000 annually, and it increased the pay of approximately 56,000 employees.

By amendment of the classification act of 1923 through the Welch Act, effective commencing in the fiscal year 1929, and the Brookhart Act, effective in the fiscal year 1931, Congress, by special legislation, has provided increases in salaries of $24,000,000 apart from the normal increases through administrative action.

In order to be advised of the normal operations in so far as increases in pay are concerned, I have inquired as to the increases in salaries of employees that took place during the fiscal year 1930. That fiscal year is in between the first effective fiscal year of the Welch Act (1929) and the first effective year of the Brookhart Act (1931). If any criticism at all should be made of selecting the fiscal year 1930 it should be that it was a year in which the number of increases was below normal instead of above due to the fact that it followed the first effective year of the Welch Act, which increased the pay of nearly everybody, and quite naturally the number of administrative increases would not be so large in a year following a year of general increase as it would be in a more normal period.

The total number of positions subject to the provisions of the classification act is approximately 150,000, of which about 50,000 are in Washington and 100,000 in the field. During the fiscal year ending June 30, 1930, which is the last completed fiscal year, it was possible, without the addition of any appreciable special sum to the appropriations for that year, to increase the compensation of 42,000 persons, and in addition to this there were reallocations of positions, either in the District or in the field, affecting 5,000 more. Not all of this 5,000 group involved increases in compensation, but a large proportion of them did. It is safe to say, therefore, that the total number of persons subject to the classification act receiving increases in compensation during the fiscal year 1930 was 45,000. This figure represents all increases in salaries under the act whether made without a change of duties or as a result of a change in duties. No matter what the circumstances, the fact remains that the increases were made. The increase to so large a number of persons does not necessarily mean larger appropriations in all instances. When an individual at the top of the grade goes out of the service the new employee must come in at the bottom at a lower salary. The difference in the higher pay of the old employee and the lower pay of the new employee is thus available for increasing the pay of other employees without increasing the total cost.

The increase in compensation of 45,000 employees during the fiscal year without any special appropriations for that purpose is eloquent evidence of the flexibility of the law under which the compensation is paid, and is complete proof of the fact that there is available within the normal appropriations granted each year leeway to care for proper administrative increases. While there are 150,000 positions subject to the classification act, that does not mean that only 150,000 persons will be subject to the act during any year, because there are constant changes in personnel so that the increases in compensation of 45,000 persons is comparable to 150,000 plus the turnover, which is approximately 10,000 per year in this group. Therefore the increase in pay of 45,000 is comparable to a total group of about 160,000 and indicates that increases went to about 28 per cent of the whole.

There is no doubt about some inequalities existing, and in some cases persons are increased who do not deserve it, and some are not increased who justly merit it. There may be injustices resulting from appropriations. But in spite of any inequalities or injustices, there is no disputing the fact that 45,000, or 28 per cent, got increases in pay in the fiscal year 1930 by administrative action from lapses and so forth.

As to the leeway in normal funds for all departments available for such increases, I stated to the House before the holidays that I estimated such sums would aggregate under all appropriations available to pay compensation under the classification act somewhere in the neighborhood of $3,500,000, and I still believe that estimate is sound.

Now, the gentleman from New Jersey [Mr. LEHLBACH] said that if the motion of the gentleman from New York were agreed to it would not increase the salary of anybody. It will increase the salary of a very great many, for that is

the purpose of adding the money. If it were not for that, you would not find this army of Federal employees here beseeching you. And by the way, in passing, let me call your attention to this fact: There is no outside organization here to represent the masses of the people that you and I are supposed to represent.

When you take into consideration the millions that are out of employment, shall we then increase salaries of Federal employees whose salaries have been doubled—many of them—since I have been a Member of this House. Why, there are millions of men and women right now who would like to take one-half of these salaries that are being paid these Federal employees who work fewer days in the year than most people in outside employment.

Think of it for a moment. Think of the duty you owe to your people. Think of the duty you owe the taxpayers whose burdens are growing heavier and heavier with each passing year, and think of this further spectacle. We have already appropriated millions for the relief of the suffering in this country, and we are being asked to appropriate millions more for such relief, and then say that we should increase the salaries of these men and women, living in comfort in the city of Washington and throughout the United States, when there are millions on the outside that have not the necessities of life. I appeal to you gentlemen who come from the drought-stricken regions of this country, and I appeal to you gentlemen who come from the great commercial centers where there is this unemployment. How are you going to explain to them your vote, if you increase the salaries of these people who are already well paid and have steady positions in these trying days?

Mr. BLANTON. Will the gentleman yield?

Mr. WOOD. I will yield.

Mr. BLANTON. What are we little jumping jacks going to do when the big Washington Post, the Herald, the Star, the Times, and the News are all telling us what we have got to do?

Mr. WOOD. We ought to remember that there are people back home. I realize the influences that have been brought to bear—I realize that every paper in this city is opposed to the position I occupy. It is for commercial reasons, and commercial reasons alone. The more money that is paid to the thousands of Federal employees in the city of Washington, the more money will be spent in mercantile establishments in this town. It means more money to be paid out for advertising in the columns of the various newspapers.

O gentlemen, think for a moment. We should be just to the people who pay the taxes.

Mr. BUCHANAN. Will the gentleman yield?

Mr. WOOD. I will.

Mr. BUCHANAN. I would like to ask the gentleman, in the event we vote down the amendment of the gentleman from New York [Mr. LAGUARDIA] and sustain the position of the chairman of the committee, is it not a fact that every department in Washington will have the right to make its ordinary promotions for efficiency out of any money they may save from appropriations?

Mr. WOOD. Absolutely. I have endeavored to estimate those sums and I believe, as I have said, it will run to about $3,500,000 for the whole Government. The Treasury Department alone has $811,000.

Mr. BEEDY. Will the gentleman yield?

Mr. WOOD. I will yield.

Mr. BEEDY. The gentleman will recollect that when the so-called Wood amendment originally came up, I called the gentleman's attention to the fact that while I did not approve of any plan at that time for a general increase in salaries, I stated that I could not support his amendment because it would preclude salary increases within the grades. I called attention to the fact that by its terms, money saved through deaths and resignations could not be used for increases of salaries although the money was appropriated for salary payments. The gentleman at that time thought such moneys could be used for salary increases under his amendment but subsequently admitted that I was correct about it. Will the gentleman, for the RECORD, explain to the House whether votes to sustain his position will now count as votes to permit the use of money saved through death and retirement to be used for promotions within the grades?

Mr. WOOD. It will leave it absolutely within the discretion of the departments and I want to appeal to the administrative chiefs, instead of increasing the salaries of those at the top to take care of those at the bottom.

Mr. BEEDY. Will the gentleman yield again?

Mr. WOOD. I yield.

Mr. BEEDY. Suppose a man dies who holds a position at the top of the grade and is receiving, for example, $2,800. The rest of the men in the grade are moved up and a new man comes in from the grade below. Thus $500 is saved. In such case the department would like to divide the $500 in the way of increases between three or four men in the grade. Such a step by a department would amount to an increase in salaries from money already appropriated. How has the gentleman changed the wording of his amendment so that the department could use the money thus saved?

Mr. WOOD. I want to say that I shall probably, before we are through with this session of Congress, offer an amendment to one of the appropriation bills that will require all of the departments to report to Congress annually the number of persons who receive increases so we will be informed of these promotions.

This is the way they do it: Somebody dies at the top of a grade, and there is a difference between that salary and the new man who comes in at the bottom. That is what makes up the lapses. They use that money according to their judgment and discretion.

Mr. BEEDY. How, under the wording of the gentleman's amendment, would they have the right to take that $500?

Mr. WOOD. Oh, that amendment is out entirely. They will be just as free to act next year as they were before the Wood amendment was put in.

Mr. BEEDY. So that if we vote for the gentleman's position the departments would have the right to use the money already appropriated for increases within grades.

Mr. WOOD. Absolutely. They would be free to use their regular funds.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. LAGUARDIA. Did I not understand the gentleman to say that there could be no step-ups unless there was appropriation for that purpose by Congress?

Mr. WOOD. Yes.

Mr. LAGUARDIA. That certainly is in conflict with the gentleman's statement in reply to the query of the gentleman from Maine [Mr. BEEDY].

Mr. WOOD. I do not quite understand.

Mr. LAGUARDIA. I understood the gentleman to say that there could be no step-ups unless there was an appropriation by Congress.

Mr. WOOD. Oh, no; the gentleman is mistaken about that.

Mr. LAGUARDIA. That is what the gentleman said.

Mr. WOOD. If I did, I misstated the fact. They can make step-ups from funds under the regular appropriations and in the fiscal year 1930 about 45,000 employees in the Government got increases in pay in one way or another by reason of these lapses and promotions from one grade to another. All told, there are about 150,000, 100,000 outside and 50,000 inside the District of Columbia.

Mr. BLANTON. And when the war started in 1917 we had only 37,000, all told, in the city of Washington?

Mr. WOOD. Yes. I called attention to the further fact that in the Brookhart Act now taking effect, increasing the amount $4,000,000, applied to about 56,000 employees.

Mr. ALLGOOD. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. ALLGOOD. If the amendment of the gentleman from New York prevails, how much additional appropriation will it require?

Mr. WOOD. It will require in the bill we have immediately before us $1,190,000.

Mr. ALLGOOD. Take them all.

Mr. WOOD. But it is understood between the House and the Senate that whatever plan is adopted with reference to this bill shall obtain in all of the other appropriation bills, and if the amendment of the gentleman from New York prevails, it will mean an expenditure this next year of $14,500,000.

Mr. ALLGOOD. Additional?

Mr. WOOD. Additional.

Mr. LAGUARDIA. Will the gentleman stand on his statement now that this will mean $14,500,000 this year? The gentleman is clearly in error.

Mr. WOOD. I want to be absolutely correct about this. We are all liable to make mistakes. It means in all the appropriations this year $4,250,000, which means at the end of three years $14,500,000 more on the pay roll, or during the three years it means the expenditure of $28,000,000.

Mr. BEEDY. Mr. Speaker, will the gentleman yield? A good many Members on this side of the House want to stand with the gentleman in the interest of orderly procedure. We like to support our conferees. But let us be clear. Do I understand that three and a half million dollars is to be available during the next fiscal year for promotion within the grades? Is that correct?

Mr. WOOD. Yes; that is what I estimate.

Mr. BEEDY. I have always understood that whenever there was money under appropriation bills that was not expended by the departments for any fiscal year, that money is covered back into the General Treasury. How does it happen otherwise? Can the gentleman assure us that three and a half million dollars is to be available for increases within grades? This is a serious matter. The gentleman was wrong about it before. Let us be sure that we are right now.

Mr. WOOD. In the old days, before we adopted this new classification, we appropriated for each specific salary. If an appropriation was made for a particular position—and they used to detail in the bills before the committee the number they had at each rate of pay—if B in a position died and no one was put in his place, that money went back into the Treasury and could not be used to increase some one else. It is not that way any more. We make a lump-sum appropriation for salaries, and that is where they get the benefit of the lapses.

Mr. STAFFORD. That lump sum that is appropriated under the new order is available for promotions occasioned by resignations or deaths?

Mr. WOOD. Absolutely.

Mr. O'CONNOR of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. O'CONNOR of Oklahoma. As I follow the distinguished gentleman's argument, he feels that everybody should have bread before we pass the cake with the whipped cream on it to these people.

Mr. WOOD. I think that is very important.

Mr. LAGUARDIA. In reply to that will the gentleman state to our colleague from Oklahoma that there are 57,845 employees getting $1,620 a year, and you can not get much whipped cream and cake on that.

Mr. STAFFORD. Oh, the girls that the gentleman from New York is fighting for wear their fur coats and have their own automobiles. I refer to these unmarried clerks that the gentleman is fighting for.

Mr. LAGUARDIA. They can not do it on $1,620 a year.

Mr. STAFFORD. They are doing it to-day. The gentleman does not know what is going on.

Mr. WOOD. I think one of the outrages upon the Government and one of the greatest outrages being perpetrated upon good men and women who are trying to establish families in this country is to be found in the fact that many of the married Government employees here have their wives also in the Government service.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. O'CONNOR of Oklahoma. The delightful and distinguished gentleman from New York [Mr. LAGUARDIA] addressed a question to me and the gentleman from Wisconsin [Mr. STAFFORD] answered it, but I would like to give my own answer since the question was addressed to me.

The gentleman stated there were 57,000 people in Washington and elsewhere in the Government employ, drawing $1,600 a year. That is too low a salary, but I am thinking of the 5,000,000 people in the United States of America whose backs have been crushed by the burden of taxation, who are not drawing any salary at all. I understand you can resign from a Government position if you get a better job, and let some unemployed man take it. [Applause.]

Mr. LAGUARDIA. That is not any answer to a commitment which Congress has made and, and to use the words of the gentleman who now has the floor [Mr. WOOD], you can not get these step-ups to which we are committed unless Congress appropriates. Now, let us be fair about it. The gentleman from Indiana [Mr. WOOD] so stated.

Mr. WOOD. That is where the gentleman from New York [Mr. LAGUARDIA] is mistaken.

Mr. LAGUARDIA. Will the gentleman read the act that he just read a moment ago?

Mr. WOOD. You do not have to read that act at all. It is a matter of practice in the departments. Under the old plan, where they had to account for each dollar they paid out for the specifically appropriated positions, that would be true. If the gentleman has any fault to find it is with the classification act, for now, under a general appropriation bill when we make a lump-sum appropriation for salaries, they come before the committee and tell us that they will have so many in this grade or so many in that grade at certain rates of pay and then they can use their lapses for these promotions. There is no question about that, for they have so testified. The Treasury Department was perfectly content when they had the use of these lapses, and the Postmaster General in conference has already said he would think it was an outrage in view of conditions existing in this country, to make a further appropriation for this purpose.

Mr. LEHLBACH. Will the gentleman yield for a question?

Mr. WOOD. Certainly.

Mr. LEHLBACH. If the salaries provided by the classification act of 1923 can be paid without this proposed appropriation, why have they not been paid?

Mr. WOOD. Well, they have been paid. Let me tell you that while I have not the figures here, you would be amazed at the changes in personnel. There are many resignations, many die, and some retire, and the lapses and other leeway in the salary appropriations, I believe, will amount to $3,500,000. The Treasury Department has already testified that they use lapses to make these promotions and that they are getting along nicely with it if they are permitted to have it. When you defeated the Wood amendment, that settled that phase of it. The same thing is true, in different degree, in all of the other departments.

Mr. CONNERY. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. CONNERY. Are not these Senate amendments which the gentleman wants to concur in the Hoover program which was originally initiated by the President to take care of the underpaid worker and not the top of the grade?

Mr. WOOD. Had the gentleman been in the Chamber when I began my remarks, he would have heard my answer to that, but for his benefit I will say again that these recommendations were made early in the year before present conditions existed. Further, the statute under which these things can be inaugurated provides that there shall not be any increases made until Congress appropriates the money.

Mr. CONNERY. The gentleman says they were made four or five months ago. They were made at the same time when the President and, I believe, the gentleman himself [Mr. WOOD] made the statement that if Mr. Hoover was elected there would be a chicken in every pot, an automobile for

every workman, and a job for every man, and still the gentleman stated a few minutes ago there are 5,000,000 hungry. The Government workers are hungry with them. The gentleman should not forget that.

Mr. WOOD. I do not think there is any Government worker who is hungry. Has the gentleman from Massachusetts heard of one?

Mr. CONNERY. Many of them.

Mr. WOOD. No; of course, the gentleman has not.

Mr. CONNERY. I know of many of them that are much underpaid.

Mr. WOOD. Just prior to the effective date of the classification act of 1923, which was July 1, 1924, the average salary in the District of Columbia was $1,675, and the average in the field was not far from that figure. The average salary in the fiscal year 1930 was about $2,100, so that in six fiscal years the average has risen more than $400. The Director of Classification, Mr. McReynolds, who is better informed than anybody in the country on the subject of salary classifications, said this year before the independent offices subcommittee:

In clerical employments, from the bottom up, in the first three or four grades the Government rate is measurably higher than the outside rate.

Grade 1 employees, the simpler class, the lowest clerical grade in the Government service, which begins at $1,260 and goes to $1,620, the Government rate is pretty close to $350 a year higher than the average outside rate, and we had records of about 300,000 outside employees spread over the several States in those lower grades.

As we get up to grade 2 employees the difference is cut down to about $220 higher in the Government service than the average outside.

Grade 3 comes down to about $150 difference. In grade 4 the commercial rate and the Government rate are pretty close together. The average is about the same.

As we go to the higher grades the non-Government rate is higher than the Government rate.

Now, let me recapitulate. The average salary has risen from the fiscal year 1925 to the fiscal year 1930 by more than $400. The Welch Act, effective for the fiscal year 1929, increased the pay of practically all of the employees subject to the act—about 150,000—and added $20,000,000 to the pay roll. In the fiscal year 1930 approximately 45,000 out of 160,000 had their salaries increased through the use of regular funds. In the fiscal year 1931, the present fiscal year, approximately 56,000 received increases under the Brookhart Act, which will require a supplemental appropriation at this session of $3,900,000, and, in addition to this number, there will be a great many increases through the regular appropriations, which will serve to increase the total of 56,000 to a number which can not be ascertained until the year closes on June 30 next, but to a figure certainly well in excess of 56,000.

Now, think of these facts. Then say to me, say to any intelligent man, say to any man in this Congress who has the interest of the people of his district at heart, and especially those of us who live within the drought and unemployment areas, that we are doing justice to them when we are reaching our hand into the Treasury and taking out $4,250,000 this year to give to people who are well paid, with steady jobs, and living comfortably while your neighbor and mine, your constituents and mine are starving. Can you do it?

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York [Mr. LAGUARDIA] to recede and concur in the Senate amendments.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 47, noes 192.

Mr. LAGUARDIA. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the motion to recede and concur in the Senate amendments was rejected.

Mr. WOOD. Mr. Speaker, I ask unanimous consent that amendments Nos. 30, 34, 35, 44, 52, 56, and 57 be considered en bloc, as they involve salary increases along with other matters.

The SPEAKER. The gentleman from Indiana asks unanimous consent that amendments Nos. 30, 34, 35, 44, 52, 56, and 57 be considered en bloc. Is there objection?

There was no objection.

The amendments are as follows:

Page 24, line 22, strike out "$32,522,922" and insert "$32,666,962."

Page 28, line 21, strike out "$395,784" and insert "$404,584."

Page 28, line 23, strike out "$1,098,490" and insert "$1,128,790."

Page 36, line 9, strike out "$1,550,540" and insert "$1,579,480."

Page 49, line 8, strike out "$535,000" and insert "544,240."

Page 49, line 16, strike out "$68,320" and insert "$81,060."

Page 49, line 17, strike out "$194,840" and insert "$209,480."

Mr. WOOD. Mr. Speaker, I move that the House insist upon its disagreement to these amendments.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 21: Page 18, line 17, insert after the word "Columbia" a colon and the following: *Provided*, That not exceeding $10,000 may be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing, purchase of newspapers, and other necessary expenses in connection therewith: *Provided further*, That for purpose of concentration, upon the initiation of the Commissioner of Industrial Alcohol and under regulations prescribed by him, distilled spirits may be removed from any internal-revenue bonded warehouse to any other such warehouse, and may be bottled in bond in any such warehouse before or after payment of the tax, and the commissioner shall prescribe the form and penal sum of bond covering distilled spirits in internal-revenue bonded warehouses and in transit between such warehouses.

Mr. WOOD. Mr. Speaker, I move that the House recede and concur. I will state to the House that this is an amendment which was in the bill as presented by the committee but which was stricken out of the bill on a point of order.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 24: Page 19, line 22, after the word "thereof," insert:

"*Provided further*, That not exceeding $10,000 may be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing, purchase of newspapers, and other necessary expenses in connection therewith."

Mr. WOOD. Mr. Speaker, I move that the House recede and concur in the Senate amendment. Like the other one, this language was stricken from the bill as it was presented to the House.

The SPEAKER. The gentleman from Indiana moves that the House recede and concur in the Senate amendment.

The motion was agreed to.

FIRST DEFICIENCY BILL

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the first deficiency bill, H. R. 15592, making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1931, and for other purposes; disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 15592, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I assume that amendment No. 37, authorizing the expenditure of $3,000,000 for alterations on three battleships, will be brought back under the rules of the House before any agreement can be had.

Mr. WOOD. I think I can safely say I will do that unless they recede.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Messrs. WOOD, CRAMTON, WASON, BYRNS, and BUCHANAN.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. SUMMERS of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16415) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes; and pending that I ask unanimous consent that general debate, which shall be limited to the bill, shall not continue longer than 4.30 p. m.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, why limit general debate to the bill?

Mr. SUMMERS of Washington. Because Saturday was given over to general debate without limit, with a tentative agreement that debate to-day would be limited to the bill.

Mr. BLANTON. The distinguished gentleman knows it will be almost impossible for general debate to be carried until 4.30 without getting away from the bill at times. Why not have regular general debate like we always have on these bills, so that if some one desires a moment to discuss some other important question they can do so.

Mr. SUMMERS of Washington. If agreeable to the gentleman from Virginia, I would like to change my request and make the limit 3.30, which would give two hours.

Mr. WOODRUM. I think that would not give quite enough time. I want some time on this bill myself. I think there ought to be some debate on this bill, as it carries over $1,000,000,000, and the House should know what it is appropriating.

The SPEAKER. Does the gentleman desire also to arrange for the control of the time?

Mr. SUMMERS of Washington. To be equally divided.

The SPEAKER. The gentleman from Washington asks unanimous consent that general debate on this bill shall continue not later than 4.30, that general debate shall be limited to the bill, and that the time shall be equally divided, one-half to be controlled by himself and one-half by the gentleman from Virginia [Mr. WOODRUM]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Washington.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16415, with Mr. DOWELL in the chair.

The Clerk read the title of the bill.

Mr. WOODRUM. Mr. Chairman, I yield myself one hour.

Mr. Chairman, ladies and gentlemen of the committee, the independent offices appropriation bill is, to my mind, one of the most interesting appropriation bills the Congress has to consider. It shows a cross section of practically the whole governmental activity; it touches almost every governmental endeavor; and the bill we present to you to-day calls for the appropriation of the staggering sum of $1,052,568,140. This bill is $246,790,555 more than the amount carried in the bill last year for the same activities, and this increase is largely accounted for by the following items: $100,000,000 for the Federal Farm Board; $35,000,000 for the construction loan fund in the Shipping Board; $3,000,000 for the National Park and Planning Commission; $2,750,000 for the Supreme Court Building; $800,000 for the balance of the $1,000,000 authorization for the George Rogers Clark sesquicentennial; $500,000, which is the authorized statutory increase in the amount for vocational education in agriculture; and $500,000 for the Employees' Compensation Commission.

The increase of the bill to-day over the gross amount of the 1931 bill is $499,044,974. We have in the bill to-day, however, several activities that were heretofore carried in other bills. The reorganization of the Veterans' Administration brought to the independent offices appropriation bill the amount carried for the Pension Bureau, which is $235,099,400, and formerly carried in the Interior Department bill. It brought also the amount carried for soldiers' homes, which is $11,190,220, and formerly carried in the War Department bill. It brought also the additional amount made necessary by the liberalization of the World War veterans' compensation act, and that amount is $46,103,279.

The present bill, however, is less than the Budget estimate by $2,790,050—$1,084,420 of this amount is on account of the elimination of the items carried for the underaverage salary promotions.

I want to stop here for just a few minutes, ladies and gentlemen of the committee, to comment briefly, and I hope constructively, on the system and method of handling appropriations by the committee of which I have the honor to be a member.

At the outset let me say that in my service of some eight years in this body I have never seen a more conscientious group of members, who, regardless of political affiliation, are anxious to conserve Government finances, and yet adequately provide for the needed activities, than the Appropriations Committee of the House, under the able and active leadership of the gentleman from Indiana [Mr. WOOD] and the gentleman from Tennessee [Mr. BYRNS].

Very seldom, very rarely indeed, do politics ever come into the deliberations of this committee, and I am very happy to say that the subcommittee in presenting this bill to you to-day have labored as best they can to carefully scrutinize these tremendous appropriations, in an effort to be able to intelligently pass them on to the House of Representatives. But, ladies and gentlemen, notwithstanding this attitude and desire on the part of the Appropriations Committee, and notwithstanding the vigilance with which its officers, not only the members of the committee but the clerical force of the committee, scrutinize these items, I do have the feeling to-day that this tremendous amount we are bringing to you is not based upon that certainty and definite knowledge that I should like to have. I have studied the bill and I believe I know about as much about it as the average Member of Congress could know about a piece of legislation of this size and of this detail, and yet I do not feel thoroughly satisfied.

Now, why is this true? In the first place, under our system these 31 departments for which we are appropriating to-day presented their estimates to the Bureau of the Budget some six or eight months ago. We, of the Appropriations Committee, have no way of knowing what hearings were conducted before the Bureau of the Budget, their scope, or thoroughness. We do not know what justifications were presented to the Budget for these various estimates or how carefully they were analyzed, scrutinized, or audited. After the Budget had passed on these items conditions may have widely changed with reference to the activities of the departments, or the ability or advisability of the Government to meet the appropriations. Six or eight months after the Budget action the Committee on Appropriations goes into hearings in a busy, short session of Congress, and after going into it as thoroughly as we can, we make recommendations to the Congress. As I have stated, no matter how careful we have been, no matter how seriously we have scrutinized these requests for appropriations, yet of necessity we are not able to give it the thought and the attention and the care that I think a measure of this kind should have.

Now, what are we going to do about it? I do not believe a man ought to offer a criticism, even a constructive criticism, unless he can suggest a remedy, and when I discussed this bill a year ago I made an observation that I want to repeat to-day, at the risk of being tiresome and monotonous, and that is this: I think there ought to be a closer contact between the Appropriations Committee of the House of Representatives, the Bureau of the Budget, and the several departments that ask for these appropriations.

I think the Appropriations Committee of the House ought to have set up as a part of its organization a Budget officer,

a man of ability and experience, acquainted with these departmental activities, whose sole duty it would be, day in and day out and year in and year out, to contact these departments and scrutinize their requests for appropriations, not only with a view of being able to give information to the Appropriations Committee as to the necessity of this particular appropriation but to be able to check up, and in the words of Amos and Andy, "double check" on appropriations that we have already made.

Now, this frequently happens, and it is very confusing: We will meet to-day and appropriate for these 31 bureaus and activities for 1932. When we come to make the appropriations next year we will find that many of these activities have had to go to the deficiency committee. We did not give them enough to-day, or at least they think we did not give them enough, and in the meantime they have gone to the deficiency committee and gotten a deficiency appropriation. Now, in a busy session of Congress we have no organization set up that can carefully scrutinize and check those expenditures. If we had such an organization as a part of the Committee on Appropriations it need not be a big outfit or an extensive one. Ten or fifteen thousand dollars a year judiciously expended by the Committee on Appropriations in this way would, in my judgment, many times save its value in cutting out useless and unnecessary expenditures.

I wish time would permit me to analyze the 31 departments that are appropriated for here, but I will not take the time of the House to do that. However, I want to comment on one or two of them, because I believe they are of special interest.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. MOORE of Virginia. Would not my colleague's suggestion involve an amendment, perhaps a very simple one, an amendment to the Budget act for the purpose of establishing a contact between the Appropriation Committee and the Bureau of the Budget?

Mr. WOODRUM. Very probably it would.

Mr. MOORE of Virginia. And call for the appointment of more than one official in order to properly perform the work the gentleman has alluded to?

Mr. WOODRUM. I think so. I think one official and an efficient secretary could do the work beautifully and with a good result.

Mr. MOORE of Virginia. And the gentleman believes as a result of his protracted investigation and labor that it would result in a very substantial saving to the Government?

Mr. WOODRUM. I feel that it would, and for this reason: Under our system of administration—which was demonstrated early to-day and alluded to by the chairman of the committee [Mr. WOOD] when we were considering the conference report on the Post Office-Treasury appropriation bill—the Bureau of the Budget and the President made a recommendation with reference to salary increases. We have no way of knowing whether the idea of the President and the Budget has changed. In the meantime the entire situation has changed and the appropriation for these salary increases has to-day been denied by this House.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. MORTON D. HULL. Would not the gentleman's proposition infringe on the work of the Bureau of the Budget?

Mr. WOODRUM. Not at all; the Bureau of the Budget is in no way connected with the legislative branch of the Government. It is an advisory arm of the President. Let me call my colleague's attention to this: The duty of appropriations is with the Congress; but the responsibility for inadequate appropriations is also with Congress. It is the duty of the Bureau of the Budget and the President, with the advice of the Bureau to recommend to Congress, but after all it is up to Congress. Congress looks to the Appropriation Committee and the Appropriation Committee looks to the subcommittee, and we know from experience that it is only before the Appropriation subcommittee that we have a thorough study of the requests for appropriations.

Mr. McMILLAN. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. McMILLAN. As between the Budget and the Executive, would the gentleman have the Budget as the agent of the legislative branch of the Government rather than the Executive?

Mr. WOODRUM. I do not know. I will say that there might be good reasons for that; but, on the other hand, I can see that the President would want to have his own Bureau of the Budget to advise him on the propriety of appropriations so that he could make recommendations to the legislative branch.

Mr. McMILLAN. As the gentleman has correctly stated, after all, it is a matter for Congress to say what is reasonable, under the Constitution, to appropriate for any purpose; and therefore it seems to me that if he desires to amend the law we ought to amend it so that the Budget would be responsible to the legislative branch rather than to the Executive.

Mr. LANKFORD of Georgia. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. LANKFORD of Georgia. Does the Committee on Appropriations have the legal right to call for the stenographic report of the hearings before the Bureau of the Budget?

Mr. WOODRUM. Of course the committee could call for it, but the Bureau of the Budget is a confidential agency of the President. We have no way of knowing what the departments ask for from the Budget or the reasons assigned in justification of the request.

For instance, we will take the Interstate Commerce Commission. They went to the Bureau of the Budget last June and requested an appropriation of millions of dollars—and I want to say this parenthetically, that when you study the appropriation bills you will find that every year the departments are asking for more and more and more money. The departments are broadening their personnel, increasing their activities, and they are asking for more money every year.

Some of it, of course, is the natural growth of governmental activities in a new, progressing, growing country, but the job the committee has is to be able to scrutinize it and tell where it is legitimate. Following my illustration for a moment, the Interstate Commerce Commission or any other bureau will go to the Bureau of the Budget in June and ask for their appropriations and will lay out their set-up and their request. Suppose the Appropriations Committee had present at that hearing its Budget officer, if you would call him that. He would have a copy of this department's request for appropriations and would have from June until December to carefully scrutinize it, analyze it, compare it with appropriations of the preceding year, and could go down into the department, if they say they need this or that employee, and investigate the matter and collect all of the facts and information and data; and when the Committee on Appropriations came to consider the request for appropriations in December or January, we would have intelligent information on the subject. As it is now, we go out on a fishing expedition—and I say that respectfully—and dig up all we can and uncover all we can, but the rest of it gets by us. There is no doubt that many millions of dollars get by us, because, if you will look at these departments, you will find that a great many of them have unexpended balances left over after the end of the fiscal year.

Mr. LANKFORD of Georgia. In other words, the Bureau of the Budget makes no effort to show that its recommendations are warranted.

Mr. WOODRUM. The Bureau of the Budget does nothing but consider requests for appropriations and make recommendation to Congress, and that is filed here.

Mr. LANKFORD of Georgia. But they make no showing to substantiate its recommendations.

Mr. WOODRUM. No. I want now to refer for a moment to the General Accounting Office, an organization which many of us discuss and cuss when it makes some ruling that does not seem reasonable to us. On page 149 of the hearings there is what to me is a remarkable statement. It shows

the amount recovered back into the Treasury by the General Accounting Office because of payments that have been improperly made, payments not authorized by law. In 1923 they recovered more than $5,000,000, and going on down the line until the fiscal year of 1930, where we find $1,144,486.61 recovered back into the Treasury in 1930 from payments improperly made, not authorized by law.

In addition to that the audit of post-office money orders has recovered back into the Treasury since the audit began, which was in 1922, $2,143,872.33 of funds improperly audited and credited to themselves by postmasters in various parts of the country.

Next I want to refer for a moment to the George Washington Bicentennial Commission, a commission constituted by the House of Representatives for the purpose of commemorating in a fitting form the two hundredth anniversary of the birth of George Washington. I suggest to my colleagues in the House, that if they have not yet done so, they should take half an hour of their time and go down to the office of this commission in the Washington Building and find out something about George Washington, the Father of our Country. This commission has set up and is setting about a very remarkable program of education that extends out all over the United States into every possible field of activity, and if their efforts meet with the success that is promised now, in 1932 we will have a splendid celebration, commemorating the two hundredth anniversary of Washington's birthday, which will really put Washington in the hearts and minds of the people of America as he has never been before.

Mr. WARREN. Mr. Chairman, before the gentleman leaves his discussion of the George Washington Bicentennial Commission, I am sure that many Members of the House would like to have some further information on that subject. I see where the spokesman of the White House gave out a statement a few days ago announcing the appointment of an assistant director and fixing his salary at $10,000 a year. This is entirely impersonal. For one I appreciate the very valuable work done in this House by the gentleman from Michigan [Mr. CRAMTON] but I am informed by members of the commission that the commission has not made this appointment as yet, although I see it announced in the press. Not only has he been appointed by the White House, but it is stated that his salary has been fixed at $10,000 a year, and that he is to succeed a man as associate director who drew no salary whatever.

Mr. WOODRUM. The gentleman in asking for information has given all the information that I have or could give him. I, too, saw the article the gentleman referred to. I did inquire because the appropriations for this activity is carried in this bill, and no such salary is provided for, or was estimated for.

I was informed, as the gentleman has been informed, that so far there has been no action taken by the George Washington Bicentennial Commission in appointing any assistant or associate director or in fixing his salary. I see two distinguished members of that commission present, the gentleman from Virginia [Mr. MOORE] and the gentleman from New York [Mr. BLOOM], who may be able to give additional information.

Mr. WARREN. Was it presented to the gentleman's committee during the hearings that there would be extra duties imposed on the associate director that would require the fixing of his salary at $10,000 a year?

Mr. WOODRUM. No mention whatever of any salaried associate director was made in the hearings, and the article to which the gentleman alludes came out in the newspaper after our hearings had been concluded.

Next, I wish to refer to the Federal Farm Board: We have been busily engaged in Congress since I have been a Member of this House in relieving the American farmer, and as part of that program we passed the agricultural marketing act, which set up a revolving fund of $500,000,000 and made it available for the Federal Farm Board, hoping that something might be done to rescue American agriculture.

In 1929 we appropriated $150,000,000 of that and put it in the revolving fund. In 1930 we gave another $100,000,000. In the deficiency bill this year an additional $150,000,000 was appropriated; and in this present bill we carry the balance of that authorization, $100,000,000, which will make the total amount of $500,000,000.

We are told by the Farm Board that their total commitments for loans up to January 7, 1931, was $468,960,893.84; that of that amount they had already advanced $372,886,187.78; that there had been repaid into the revolving fund $131,039,338.39; and that they had outstanding in the form of loans at that time $241,846,799.39.

Now, let us recall for a moment the method by which the Federal Farm Board operates. In the first place, under the authority of the marketing act they have set up what is known as the Farmers National Grain Corporation, that is the marketing agency of the Farm Board. That is the agency to which the Farm Board loans money for the purpose of assisting the cooperatives. Some 27 different cooperative groups in the United States may, through this grain corporation, secure loans for the purpose of assisting them in marketing their crops.

The Farm Board has loaned the grain corporation $41,624,000. They have been repaid $14,418,000 and they have outstanding $27,206,000.

In addition to the Grain Corporation, which is the marketing agency of the Farm Board, the marketing act provides that in case of an emergency in any particular commodity, a stabiliation corporation may be set up for that particular commodity by the Farm Board. So far two stabilization corporations have been organized under the Farm Board. The Grain Stabilization Corporation, which has largely handled wheat, has been advanced to-day $119,000,000. It has repaid $53,000,000, and it has outstanding $65,000,000.

The Cotton Stabilization Corporation has outstanding something like $40,000,000. The Farmers National Grain Corporation is owned by the farmer cooperatives. They own it. Loans are made to that agency by the Farm Board. They have their own set-up, their own officers and personnel, and unless bad loans are made it will be a self-sustaining organization, with the exception of the overhead management that comes from the Farm Board.

It is composed of something like 27 cooperative groups. Stock in the Grain Stabilization Corporation is of purely nominal value but it is set up and entirely financed by the Federal Farm Board. It draws its money from the revolving fund of the Farm Board in the form of loans or advances, for the purpose of stabilizing crops.

Of course there will be a loss, and in case of loss this money will come out of the revolving fund.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. TAYLOR of Tennessee. What security do they require for those loans?

Mr. WOODRUM. The gentleman is speaking of the loans to the National Grain Corporation?

Mr. TAYLOR of Tennessee. The Grain Corporation; yes.

Mr. WOODRUM. As I understand, the Farm Board makes the loans through the National Grain Corporation to the cooperatives and takes their obligation for it. If I am in error about that I hope some gentleman who is more familiar will correct me.

Now, so much for the general outline of the set-up of these agencies of the Farm Board.

Much has been said in the press about the exorbitant salaries being paid by the Federal Farm Board, and your committee felt that the House of Representatives and the country ought to have that information, whether it was good or bad, so we asked some questions about it. We found that a gentleman by the name of Milner is manager of the Grain Stabilization Corporation and the Farmers' National Grain Corporation. He occupies the dual position of manager of those two organizations. He had formerly been connected with the Grain Stabilization Corporation at a salary of $36,000 a year. When he took over the additional duties as

manager of the Farmers' National Grain Corporation he was given an additional salary of $14,000, so as manager of those two branches he gets a salary of $50,000.

He has an assistant manager, who receives $27,000 a year. Twelve thousand dollars of that he draws from the Grain Corporation and $15,000 from the Grain Stabilization Corporation.

Then, of course, the Stabilization Corporation has to have a treasurer.

He gets $20,000 a year, and he draws that salary, as I understand, entirely from the Grain Corporation.

The Cotton Stabilization Corporation has to have a manager, and he is guaranteed a minimum salary of $25,000, with a graduated scale that may run up to $75,000, according to the earnings of that particular commodity, if any.

So much for salaries.

Mr. CRISP. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. CRISP. How is the salary of that manager of the Cotton Stabilization Corporation fixed?

Mr. WOODRUM. How it is fixed?

Mr. CRISP. Yes. Is it paid from the corporation itself?

Mr. WOODRUM. Yes. I am going to try to explain that.

When these salaries are mentioned, somebody will say, "Oh, those salaries are not paid by the Federal Farm Board. They are paid by the Stabilization Corporation and by the National Grain Corporation," which theoretically is correct, but let us follow the matter a little further. The only funds which the Stabilization Corporation has are what it borrows from this revolving fund, and in case of a loss the loss comes on the revolving fund.

Mr. Legge, chairman of the Farm Board, told us that if the Grain Stabilization Corporation had to liquidate to-day it would take a loss of $30,000,000; if the Cotton Stabilization Corporation had to liquidate to-day it would take a loss of $40,000,000. So it is idle and ridiculous to say that because these salaries at this time are being carried on the books of the Stabilization Corporation and the Grain Corporation, that they are not coming out of the Treasury of the United States. They are coming out of the Treasury of the United States, and the loss, if and when it comes, must be borne by this revolving fund. The loss will come just as surely as the sun rises and sets, and my prediction is now that in the next Congress we will be asked for another $100,000,000 for this revolving fund. Of course, the loss is coming. It is contemplated that there will be a loss, and Congress would not object seriously to some loss if it will help the farmers of America, but I believe that the American Congress and the American people will not countenance and approve the list of salaries that has been disclosed in the hearings.

Mr. LANKFORD of Georgia. Will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. LANKFORD of Georgia. It matters not how these salaries are paid, they will either be paid out of the fund appropriated by the Government or out of the profits made by the Stabilization Corporation out of the pockets of the farmers. In either event these unconscionable salaries are paid by the farmers out of taxes paid by them or from profits made out of their products. These salaries, if continued, will go far in working the ruin and repeal of the Farm Board act.

Mr. WOODRUM. If the gentleman can conceive of a situation where the Farm Board will take the 75,000,000 bushels of wheat that they have now, and the much larger amount they have bought on the future market, and ultimately make a profit, then there will be no loss to the Public Treasury because of these salaries, but we know that will not happen; it can not happen, and it was not contemplated that it would happen, because we meant to create a subsidy for agriculture and nobody objects to that, but I do not believe any Member of this House, and I do not believe any cooperative association, meant to set up a fund whereby such salaries as these would be made available for anybody.

Mr. HOPE. Will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. HOPE. The statement was made that the same manager functioned as the manager of the Grain Stabilization Corporation and the Farmers' National Grain Corporation, a part of his salary being paid by the Grain Stabilization Corporation and a part by the Farmers' National Grain Corporation. Was there anything in the hearings to disclose on what basis the salary was divided between the two corporations?

Mr. WOODRUM. Nothing beyond the statement of the chairman of the Farm Board, who said that Mr. Milner had originally been associated with the Grain Stabilization Corporation, and that when he took over the additional duties of the management of the Grain Corporation it was decided to pay him an additional salary of $14,000, arrived at by some method of trying to determine what portion of his time would be required by one corporation and what portion of his time would be required by the other. However, as I understand it—and I do not understand it very clearly, I will say—the operations and activities of the Stabilization Corporation and the Grain Corporation are very largely interlaced and identical, and that this man could very well perform the duties of both, yet when he took over the Grain Corporation he was given that additional salary, and that is taken out of the Grain Corporation.

Mr. HOPE. Of course, the part of the salary which comes to him as manager of the National Grain Corporation will probably never have to be paid out of this revolving fund.

Mr. WOODRUM. Unless there are bad loans, which, I understand, so far has not been the case. However, you will observe that the smaller part of his salary, $14,000, comes out of the Grain Corporation, but if they are careful in their loans and are successful, as they appear to be, it follows that no part will come out of the public Treasury, but the other portion of his salary will come out of the public Treasury.

Mr. ARNOLD. Will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. ARNOLD. Who is responsible for these high salaries?

Mr. WOODRUM. I am glad the gentleman brought that out. The Grain Stabilization Corporation is organized by the cooperatives, and, as I understand, the National Cooperative Association has its delegates, and those delegates organize the Grain Stabilization Corporation, but all of which is under the supervision of the Federal Farm Board. Right at this point, in fairness, I want to read into the RECORD a statement furnished to our committee by the chairman of the Farm Board after this question of salaries had been gone into. He said:

On the subject of salaries the Farm Board does not feel that they have the right to dictate to the cooperative organizations what compensation they should pay their executives, nor do we find any warrant in the agricultural marketing act for us to assume that position. The salaries paid the men in executive positions in the cooperative associations and the stabilization corporations are fixed by the board of directors of the organizations concerned. These directors are elected by the stockholding members, who are in some instances local and regional cooperative associations composed of farmers and in others individual farmers.

Where the Farm Board has made substantial loans to these cooperatives we have made it a provision of the terms of the loan that during such time as they were indebted to the revolving fund the management must be satisfactory to the Farm Board, but even in this case we do not attempt to cover what the rate of compensation should be.

It is true that in the matter of the stabilization corporations, of which there are only 2 organized, 1 in wheat and 1 in cotton, we could perhaps exercise more control, as these operations are practically financed by money from the revolving fund. Here, again, our difficulty has been to secure the services of men capable of handling successfully transactions of this magnitude rather than the question of what compensation should be paid to them. In this matter we must bear in mind that in these two stabilization operations the amount of money involved might easily run to $100,000,000 in each case and the question of the few thousand dollars more or less in compensation paid to the man who is capable of protecting the loans made to them as well as operating the organization efficiently is insignificant in comparison to what it might cost the revolving fund for any mistake in judgment on the part of the management responsible for the transactions. It is our judgment that in both cases the men employed are competent

to handle the proposition, and if they do so successfully I am sure that no one can justly criticize the amount of compensation paid for their services.

Mr. KETCHAM. Will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. KETCHAM. Does not the gentleman think it would be entirely fair, in view of the question just propounded by the gentleman from Illinois, to set out in its proper place the names of the men who constitute the board of directors of the Grain Corporation? The reason I am asking that is because I happen to know two or three of the members, and I have heard these two or three members speak about the farmer personnel constituting the board of directors of this Grain Corporation, and it seems to me that in accordance with the statement made by Mr. Legge that they are the ones who are directly responsible for the fixing of salaries, it would be entirely fair if that were done.

Mr. WOODRUM. I would be glad to include that if I can get it in time.

Mr. KETCHAM. I think it can be obtained and it would be very material. Now, a few moments ago the gentleman used this expression, and I wonder whether or not it reflects his attitude of mind, that it was contemplated when the act was passed that there would be a loss by these stabilization corporations and that the marketing act was rather intended to be a subsidy for agriculture. Now, does that actually reflect the gentleman's attitude of mind toward the agricultural marketing act?

Mr. WOODRUM. I will state now, if I have not stated it before, that I do not undertake to know very much about the complex agricultural proposition, but as one Member of the House when I voted for the $500,000,000 revolving fund I felt that certainly a large portion of it would be used to help agriculture and would go out of the Treasury and never come back, and as one Member of the House I was perfectly willing to do that, provided it did go to help agriculture and not to pay unreasonably high salaries to a few people.

Mr. KETCHAM. I think that is a very much better statement than the one the gentleman first made.

Mr. WOODRUM. I thank the gentleman.

Mr. KETCHAM. I rather gathered the impression that the gentleman's statement implied that the committee in proposing the bill had that idea in mind.

Mr. WOODRUM. No; I did not pretend to speak for the committee.

Mr. KETCHAM. The Committee on Agriculture felt that if anything of that sort did happen it would be incidental and not in line with the main purpose of the bill, and we hoped to have a real business organization that would enable agriculture to organize itself and finance its own marketing operations, and we hoped that they would be able to do this at a profit.

Mr. ALLGOOD. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Alabama.

Mr. ALLGOOD. With regard to the high salaries paid and those who are responsible for paying them, I wonder if the gentleman has information as to the salaries that were paid by these farm organizations prior to the time the money of the Government went into the organization.

Mr. WOODRUM. Nothing except the statement I have already made that Mr. Milner was receiving $36,000 from the stabilization organization before he took over the added duties of manager of the Grain Corporation. That is the only information I have.

Now, I do not subscribe to the belief that it is necessary to pay a man $50,000 a year to manage an organization that handles $100,000,000. We have in this bill the biggest insurance company in the world. We have in this bill the biggest hospital in the world, all combined under the bureau, Veterans' Administration. In addition to that, there are a great many other functions exercised in the administration of veterans' affairs. Eight hundred and sixty-six million dollars is here carried for that institution, and we get a man as Veterans' Administrator, and we do not pay him any $50,000 a year. We go to the Interstate Commerce Commission and find the question of transportation, with all of its varied and technical ramifications, being handled by trained men, highly trained and well-equipped men, and we are not paying them any $50,000 a year; and we can go into every other branch of governmental activity and find the same thing. I go to the chairman of the Farm Board, Mr. Legge, a man who, because of his interest in agriculture, as I understand it, resigned a $100,000 position and is now working, not alone for money, but somewhat because of his desire to try to help the situation; and I do not believe it is necessary to pay salaries anything like those on the list I have shown here in order to help agriculture.

Mr. CRISP. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Georgia.

Mr. CRISP. Will not the gentleman insert in his remarks the salaries that the gentlemen he has just referred to are drawing?

Mr. WOODRUM. I will. Now, gentlemen, I am making this statement not as an unfriendly criticism of the Farm Board. I want to see it succeed, just as every other Member of Congress wants to see it succeed, but I will tell you this: I can not go back to my district, and you can not go back to the farmers in your district, and show them to their satisfaction where it is necessary to pay anybody any such salary as this in order to do this work. I do not believe it is necessary, and I think the Federal Farm Board, just as Mr. Legge frankly says in his statement, could exercise authority over these organizations that they finance, and I will go further and say that I think they should do it. [Applause.] If it is necessary, I think the Congress ought to pass legislation that will protect this fund to that extent.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. SUMMERS of Washington. My attention was diverted part of the time. Did the gentleman also discuss the manager for cotton stabilization?

Mr. WOODRUM. I believe so; yes—a salary of $25,000, with possible commissions that would run it up to as high as $75,000, based on earnings.

Now, gentlemen, I want to take a few moments of your time and ask your attention while we talk about the Veterans' Administration. Of course, this is the major item in this bill, $866,012,732, and I was told by one of the gentlemen who is closely in touch with the situation at the Veterans' Administration that with the increased number of claims coming in because of new legislation passed, and certainly if we further liberalize the law, we will have in this bill within the next five years considerably more than $1,000,000,000 for veterans' administration.

With respect to the Veterans' Bureau and its allied interests, I want to read into the RECORD just a brief bird's-eye view of what they are doing and what they have to do. One of my good colleagues said the other day that it did not look to him like it ought to take all that overhead just to write checks and send them out to the veterans. Gentlemen, I am not here to defend any bureau. So long as I am a member of this committee I will not hesitate to criticize a bureau if I think it is not acting in the public interest; and, on the other hand, I shall not hesitate to commend it if I think it is conscientiously trying to serve the public interest; and I want you to see for a minute what we have in this consolidated Veterans' Administration.

There are 474,525 veterans drawing service-connected compensation. This is one little group.

There are 28,366 claims pending and undetermined for compensation.

There are 140,348 widows and orphans and dependents of veterans drawing compensation.

And may I stop here to say that from some little discussion I have heard, I believe there are some Members of Congress who do not know the Government is now paying compensation to widows and orphans and dependents of veterans, provided they have service-connected disabilities. Any veteran of the World War with a service-connected disability who dies and leaves a dependent widow, father, or mother

or child, his dependent is given compensation by the Veterans' Bureau. So let us not overlook that. There are 140,348 of them.

Mr. HOGG of Indiana. Will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. HOGG of Indiana. It is requisite that he die of the service-connected disability.

Mr. WOODRUM. Yes; they are cases where the veteran dies of a service-connected disability, and there are 140,348 of them.

There are 6,349 emergency officers on the retired list drawing compensation, and under the law that we passed last year there are 70,513 veterans drawing what the Veterans' Bureau calls disability compensation or what I call World War pensions.

Mr. HOPE. Does the gentleman have the amount paid the emergency officers?

Mr. WOODRUM. Yes; the amount carried in this bill for emergency officers' retirement is $11,040,072.

Mr. MOORE of Virginia. What were the last figures the gentleman stated?

Mr. WOODRUM. The number of veterans getting disability pensions or what we call World War pensions.

Mr. MOORE of Virginia. Has the gentleman any figures showing the number of applications that have not been passed upon?

Mr. WOODRUM. I have; yes. Up to January 15, 1931, there had been 327,539 applications under the disability compensation law we passed last year. There had been definitely and finally adjudicated 159,458 of those claims. As a result of that 70,513 are drawing pensions and there are 168,081 in process of adjudication.

So although we only passed the law a year ago and there were 327,539 applications, 48.68 per cent have been definitely adjudicated. That, I say, is not a bad showing for the Veterans' Bureau.

Now I must pass on. This will be interesting to the House. We have in this bill appropriated for these four classes of veterans—the service-connected disability cases, the death pension cases, the emergency officers, and the disability allowance—$267,327,025.

Now I come to the adjusted compensation to dependents; that is where the holder of the adjusted-compensation certificate has died and left dependents. There are 17,422 of those who draw checks every month. Then we have the insurance cases, term and Government life insurance; 86,808 in that class who draw this insurance allowance, and there is $121,500,000 carried in the bill for that.

Then we have the pension roll—458,880 on the regular pension rolls—and we carry in this bill $222,000,000 for that.

In addition, there is the civil service retirement act, which has 20,064 annuitants, who receive checks every month. Then, there are 32,805 employees who get checks. There are 1,307,714 checks go out of the Veterans' Bureau every month.

Then there are claims that are in process of adjudication and readjudication, because Members of Congress know that cases go the rounds from the regional office to the central board of appeals, and if an inquiry is made or another affidavit is filed they go back and go through the same route over again.

That, gentlemen, is a brief outline of what this organization, this Veterans' Administration, is doing.

Now, I am going to make a statement to you that to me was a very gratifying showing. We carry in this bill $866,012,732 for Veterans' Administration. I have an idea that when some Member of Congress goes back home some one will say, "Oh, that is a terrible amount of money." Some will say, "That is true; you appropriate $866,012,732, but a large amount of it went to high-salaried employees."

Listen to me for a moment. Ninety-six and ninety-eight one hundredths per cent of every dollar in this bill goes directly for the benefit of the veterans or pensioners. [Applause.] I think that is a showing that General Hines, of the Veterans' Bureau, can be proud of. [Applause.]

Mr. ARNOLD. Can the gentleman give us any idea of the amount used for overhead?

Mr. WOODRUM. Yes. Here is the breakdown:

| | Amount | Per cent of total |
|---|---|---|
| Administrative expenses, Veterans' Affairs: | | |
| Administrative salaries | $23,717,349 | 2.74 |
| Printing and binding | 157,000 | .02 |
| Other administrative expenses [1] | 3,067,312 | .36 |
| Total administrative expenses, Veterans' Affairs | 26,941,661 | 3.12 |
| Administrative expenses, employees' retirement | 103,740 | .01 |
| Direct expenses, Veterans' Affairs: | | |
| Salaries (medical and hospital) | 27,095,063 | 3.12 |
| Medical and hospital | 43,868,347 | 5.06 |
| National homes | 13,226,776 | 1.53 |
| Military and naval compensation | 267,327,025 | 30.83 |
| Army and Navy pensions | 222,000,000 | 25.61 |
| Military and naval insurance | 121,500,000 | 14.02 |
| Adjusted-service certificate fund | 112,000,000 | 12.91 |
| Hospital and domiciliary facilities and services | 11,350,000 | 1.27 |
| State and Territorial homes | 600,000 | .30 |
| Total direct expenses, Veterans' Affairs | 818,967,211 | 94.40 |
| Direct expenses, employees' retirement | 20,850,000 | 2.47 |
| Total, Veterans' Administration | 866,862,612 | |

[1] "Other administrative expenses includes expenses for such items as stationery, motor vehicles, telephone and telegraph, travel" of employees, rents, etc.

As to this table, it should be noted that the difference in the total in column one of $866,862,612 is reduced to the amount carried in the bill of $866,012,732 by deducting from the first amount for administrative salaries the sum for under-average salary promotions, which was omitted from the bill. This change affects slightly the total of the first column in the table and the per cent estimate of expenses.

The gentleman will notice that on page 48 of the bill there is an item of $110,228,707. That is the all overhead administrative expenses, but that includes what I am about to read to the gentleman. It includes, first, all salaries, and those salaries are for 32,805 employees of the Veterans' Bureau—the entire set-up of the organization—soldiers' homes, veterans' hospitals, central and regional offices, and everything. This item of $110,228,707 also includes, besides the salaries, transportation of the beneficiaries to and from their residences for hospitalization or examination or domiciliary care, all operating expenses of the hospitals and homes, burial expenses, and $709,000 for rent, and $4,800,000 for alterations and repairs of homes and hospitals, and, by the way, we must remember that this organization that I am speaking about is operating 51 veterans' hospitals and 11 soldiers' homes. There is also an item of $157,000 for printing and binding.

Mr. ARNOLD. It would be very interesting indeed if the gentleman in his extension of remarks would show what this breakdown amounts to.

Mr. WOODRUM. Yes.

Mr. ARNOLD. And the allocation of the various items that go to make up this expense. It would seem at first glance that $110,000,000 is a lot of money to expend for overhead.

Mr. WOODRUM. That is not all overhead.

Mr. MORTON D. HULL. Will the gentleman again state the per cent of the dollar that goes to the benefit of the veteran?

Mr. WOODRUM. Ninety-six and ninety-eight one hundredths per cent of every dollar appropriated in this bill for the Veterans' Administration goes to the direct benefit of the veteran or pensioner.

Mr. MORTON D. HULL. That is, appropriated for veterans' uses?

Mr. WOODRUM. For Veterans' Administration. It takes in all these activities.

Mr. MORTON D. HULL. It does not go to the building part of it.

Mr. WOODRUM. No; not new construction.

Mr. MORTON D. HULL. Just for the care?

Mr. WOODRUM. Yes.

Mr. ALLGOOD. The veterans do not get that much money, but they get it in hospitalization.

Mr. WOODRUM. They get that much money, with this exception: In this item it is figured that where a veteran is put in the hospital and is fed and given medical treatment and nursing he is getting direct benefit of the money.

Mr. ALLGOOD. Of course, $110,000,000 is more than 3 per cent of $800,000,000.

Mr. WOODRUM. Yes. There is carried in this bill for all of these activities $157,000 for printing and binding. When General Hines first took charge of the Veterans' Bureau, for that bureau alone we were appropriating $300,000 for printing and binding.

Mr. DUNBAR. Is that item of $157,000 included in the 96.98 per cent? How does the veteran get any benefit from printing and binding, directly?

Mr. WOODRUM. The gentleman did not quite understand me. We appropriate $866,012,732 for veterans' activities in this bill, and 96.98 per cent of that goes to the direct benefit of the veteran or pensioner. Of course, printing and binding is not counted as going to his direct benefit.

Mr. DUNBAR. Printing and binding is not counted in the 100 per cent?

Mr. WOODRUM. It is counted in the total, but not in the 96.98 per cent.

The CHAIRMAN. The gentleman from Virginia has used one hour.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed further.

The CHAIRMAN. Without objection the gentleman may proceed beyond the hour.

There was no objection.

Mr. WOODRUM. I shall put into the RECORD briefly a little information that may be of interest to the House about the operation of the soldiers' home.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. COCHRAN of Missouri. In reference to the soldiers' home, did the committee secure any information in regard to a new policy to be followed by the Veterans' Administration? Heretofore a man could go to a soldiers' home at any time he desired, but since the unemployment situation developed, the applications far exceed the facilities. They have a long waiting list. They are examining men now, and those who do not have a disability up to a certain per cent, I think it is up to 25, are discharged from the homes or not admitted, to make room for those who are disabled. Was that matter discussed in the hearings?

Mr. WOODRUM. That matter was not discussed in the hearings. I think I heard the gentleman make that inquiry from some one else the other day. That was the first intimation of it I had. I can give the gentleman this information. The total number of beds available in soldiers' homes, in 11 national soldiers' homes, under the jurisdiction of the veterans' administration, is 22,940. Of that, on December 31, 1930, there were 21,609 occupied. In addition to those actual patients who were there under domiciliary care there were 1,146 out-patients that live off the reservation but have their meals there. While there are only 22,940 beds available, yet the veterans on the rolls who are entitled to admission to soldiers' homes, if they care to go, number 28,970, the difference there being that a great many of them are furloughed. I judge that is the class of veterans the gentleman is speaking about. As to any policy of sending them out before they ought to go, I can not answer the gentleman because I do not know and that was not gone into at the hearings.

Mr. BOX. The figures which the gentleman gave as to the amount of benefits that went directly to ex-service men under the activities of the Veterans' Bureau included the activities of the Pension Bureau heretofore?

Mr. WOODRUM. Yes, sir.

Mr. BOX. Members of the Committee on Pensions have been told that the overhead expenses of the Veterans' Bureau, when the two activities were separate, were very much higher than those of the Pension Bureau per case, per man, or per dollar. The figures which the gentleman gave the House just now are the result of a combination of those two, and the average is the average running through both?

Mr. WOODRUM. I think that is correct. Of course, it can be readily seen that the question in the Pension Bureau is a question of physical examination of a man to determine what is the matter with him at the time of examination, but when you come to a veteran's case, and the question is a question of service-connected disability, that is a different situation. Evidence is introduced and hearings are held and inquiries are made and clinical studies must be made, and it is an entirely different situation. It is very reasonable to suppose that the per capita cost of settling in the first instance a Veterans' Bureau case, where there is a question of whether it is service connected or not, would be much greater than in a pension case.

Mr. BRIGGS. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. BRIGGS. Has the gentleman gone into the question of coordinating the activities since the Veterans' Administration has acquired control of the Pension Office and other activities of that character? The reason I ask is that a short time ago a man who had been suffering very much from tuberculosis appealed to the Pension Office for relief. There was not any question of his having tuberculosis. The Pension Office said it was a case for the Veterans' Bureau. The Veterans' Bureau found that he was in a very severe stage of tuberculosis, because he had to be released from the Army for that very cause. They indicated that it was not something that occurred in the World War and should be dealt with by the Pension Office. So he was shunted back to the Pension Office, and while he is not dead yet, I do not know how soon he will be, and whether he will ever get any relief before these agencies get through shunting him from one to the other. The last report I had was that the Pension Office would have to conduct another examination of the man, with hospitalization, to determine just exactly what his condition is, although he had been examined thoroughly by the Veterans' Bureau and hospitalized in their hospital. It struck me as an extreme case of lack of coordination of activities, very much to the detriment of that man and possibly to the detriment of hundreds or thousands of others similarly situated. That should not be where there is one directing head administering veterans' activities. These so-called pension bureaus, veterans' bureaus, and others ought to have such a direct relation that the examination conducted by one would answer for all. Is that not the gentleman's view of this matter?

Mr. WOODRUM. Exactly; and I think that is what Congress had in mind when Congress consolidated the organizations. I think Congress thought it would prevent just such an occurrence.

Mr. BRIGGS. In other words it is not a question of saving money, but it is making the relief more effectively administered, so that a veteran could get what was coming to him promptly, and before his death, at the least cost to the Government. Is that not true?

Mr. WOODRUM. Exactly; but it should be stated that oftentimes we find a case where an individual is entitled to benefits, either hospitalization or compensation, under either one or both, and sometimes it is a matter of considerable investigation to determine just where his rights would be best protected.

Mr. BRIGGS. But the point I am trying to make is that where you give him a physical examination, one hospitalization, by one bureau of the Veterans' Administration, should satisfy all. Is that not the fact?

Mr. WOODRUM. Exactly.

Mr. BRIGGS. So that veterans will not have to have separate examinations by different bureaus of the same organization and not be subject to interminable delays, including new examinations by different bureaus which belong to one activity, the Administration of Veterans' Affairs.

Mr. WOODRUM. I agree with the gentleman.

Mr. ALLGOOD. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. ALLGOOD. Did I understand the gentleman to say there were 48,000 soldiers being paid pensions under the new act?

Mr. WOODRUM. Seventy thousand five hundred and thirteen veterans receiving disability compensation; that is, compensation under the act that was passed last year.

Mr. ALLGOOD. To what amount?

Mr. WOODRUM. I can not give the gentleman the gross amount of that.

Mr. ALLGOOD. Will the gentleman put that in his extension of remarks?

Mr. WOODRUM. I will put that in my extension of remarks. My impression is that it is around forty or fifty million dollars.

Mr. ALLGOOD. Forty-eight per cent of the claims?

Mr. WOODRUM. Forty-eight per cent of the claims have been definitely adjudicated.

Mr. ALLGOOD. I wish the gentleman would put that amount in the RECORD.

Mr. WOODRUM. I may add further, on that statement, that in the month of January, from December 31 to January 15, there were 24,589 of those claims filed with the Veterans' Bureau and 22,787 definitely adjudicated. So they are practically current. They will be current. They are being handled as fast as they come in.

Mr. McMILLAN. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. McMILLAN. I think I understood the gentleman to say that since the passage of this disability act last year there was a total of 327,539 applications received.

Mr. WOODRUM. Yes, sir.

Mr. McMILLAN. Did the bureau, in the hearings before the committee, indicate what percentage was represented by that number of applications as against the total that would be accepted?

Mr. WOODRUM. I do not think I can give the gentleman that information. I do not think I have that figure, unless it would be the total number of veterans, because every veteran who is not drawing compensation for a service-connected disability is a potential applicant. There are something like 4,000,000.

Mr. SPEAKS. Will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. SPEAKS. Has the gentleman the figures showing how much in the nature of compensation or benefits of any character paid in cash by monthly check directly to veterans and their dependents?

Mr. WOODRUM. Yes, sir.

Mr. SPEAKS. How much is it?

Mr. WOODRUM. Does the gentleman mean——

Mr. SPEAKS. I mean that each month checks are mailed direct to veterans or their dependents in fixed sums. Can the gentleman give us any idea what that aggregates?

Mr. WOODRUM. Does the gentleman include in that the emergency officers?

Mr. SPEAKS. No; exclusive of emergency officers.

Mr. WOODRUM. The amount is $256,286,953.

Mr. SUMMERS of Washington. Checks do go to something over a million people every month?

Mr. WOODRUM. One million three hundred and seven thousand seven hundred and fourteen every month.

Mr. ALLGOOD. Does the gentleman know how much of an increase that is over last year?

Mr. WOODRUM. That is in the RECORD. I am sorry I can not remember all those figures, but a chart of that is in the RECORD.

Now, gentlemen, about adjusted compensation. I am not going to burden the committee by going into detail on the question of adjusted compensation, but I do simply want to state here and now—as this is the first opportunity I have had and the only opportunity I shall have—to register my very earnest hope that the Ways and Means Committee of our House will at an early time give a hearing on the question of whether or not we shall pay off these adjusted-compensation certificates. [Applause.]

Mr. TREADWAY. Has the gentleman seen the bulletin board to-day?

Mr. WOODRUM. I have not, but I have heard——

Mr. TREADWAY. There is a notice on it, issued by the chairman of the committee, that hearings will start on Thursday on that subject.

Mr. WOODRUM. I am very glad of that. I congratulate the gentleman and his committee, and I hope they will have hearings that will be concluded in time to give the House some plan for the liquidation of this obligation at this session of Congress.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. COCHRAN of Missouri. An official of a service organization in Washington made the very amazing statement to me the other day that the adjusted-compensation fund in the Treasury for which, under the law, we are appropriating $112,000,000 annually, contains nothing but a piece of paper. I told him I thought he was absolutely wrong in that statement, because, as I understand, the law specifically provides that the money must be invested in interest-bearing Government securities and that when that money is appropriated it is invested in Government securities; is that correct?

Mr. WOODRUM. Of course, I do not know whether they actually take $112,000,000 out of the Treasury physically and put it somewhere else physically, but it is carried in our appropriation every year and it is supposed to be invested. Then every year we get a report from the Veterans' Bureau stating that this money is invested and has earned so much interest.

Mr. COCHRAN of Missouri. Then interest is being earned on that fund as the law provides?

Mr. WOODRUM. Yes. Of course, against that fund is being charged payments made on adjusted-service certificates, and my understanding is that there is something over $800,000,000 to the credit of that fund.

Mr. COCHRAN of Missouri. Then if Congress should decide it wanted to pay that money out immediately, the Treasurer would simply have to sell the securities he has and use the money to pay the certificates.

Mr. WOODRUM. Absolutely.

Mr. MORGAN. Will the gentleman insert in the RECORD the total obligation under adjusted compensation?

Mr. WOODRUM. I think I can give that to the gentleman. The value of adjusted-compensation certificates in force is $3,426,768,507.

Mr. MORGAN. And $800,000,000 of that is already credited to the fund?

Mr. WOODRUM. Something over $800,000,000, including the $112,000,000 we are appropriating in this bill.

Mr. ARENTZ. How much has already been loaned to the holders of these adjusted certificates?

Mr. WOODRUM. In round figures, something like $200,000,000.

Mr. ARENTZ. If the payment of these certificates in cash is made optional does not the gentleman think something should be done about lessening the interest charge from 6 per cent to, say, 3 per cent on the money already loaned?

Mr. WOODRUM. Undoubtedly something should be done about that. I thank the committee for its attention. [Applause.]

Mr. ALLEN. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, in view of the very interesting and detailed statements we have just had from the gentleman from Virginia with reference to the bill under consideration I would just like to make this one observation in connection with this bill: It calls for the appropriation of over $1,000,000,000. The memory of a good many of us goes back to the days when the total cost of running the Government was not $1,000,000,000. I believe the first Congress of which I had the honor of being a Member did not appropriate as much money for the con-

duct of the entire Government as is now being carried in this one bill. Some of those who preceded us were accused of great extravagance in those days. The answer was that this country had grown to be a billion-dollar country and now it has grown way beyond that, when the measure we are now called upon to consider carries such an enormous appropriation. I for one want to congratulate the members of this subcommittee on the very efficient manner in which they have discharged a very important duty both to themselves and the country and I commend them for the great care in which they have prepared a bill of this enormous size.

I have asked for a few moments to discuss one detail of the bill, which is found on page 9, namely, the Bureau of Efficiency. I have had occasion recently to come in rather close contact with the work of that bureau. I want to call the attention of the committee to what seems to me to be rather an unwarranted assumption of authority on the part of that bureau, an authority not provided by law.

Of course these bureaus grow up from small beginnings, and this is a very good illustration. In the old days, back in the Sixty-fourth Congress, the Bureau of Efficiency was simply a branch, we might call it a subagency, of the Civil Service Commission. It had no establishment of its own.

When it was a part of the Civil Service Commission it had to do simply with the personnel. It had practically nothing but a clerical right, secured under the law. To show you how these things grow from small beginnings, in the Bureau of Efficiency there has been developed, perhaps, the most powerful bureau in the carrying on of our Government, because it does go into every detail of governmental activity, and it feels it has the right to direct the people engaged under the various Secretaries in the Cabinet just what to do and whatever suits their will. I am going to illustrate it.

I want to call your attention to what this bureau was originally as constituted in the Sixty-fourth Congress. Then it was simply permitted to make investigations upon request, and then only as to the personnel of a department. I find that after it was made a permanent establishment in the first session of the Sixty-fourth Congress, or in 1917, when an appropriation was made for the Bureau of Efficiency, it took upon itself a very much broader right, because we have this language:

> Investigate duplication of statistical and other work and methods of business in the various branches of the Government service.

Then an appropriation is made for carrying on the work and there is this proviso:

> *Provided*, That no person shall be employed hereunder at a compensation exceeding $4,000.

At that time the appropriation for carrying on the work of the Bureau of Efficiency was $60,000. In this bill we are carrying as their appropriation $200,270, showing the increase from the days of 1916 and 1917 up to the present time.

Now, the language I have read you, I claim, is not permanent law, because it appears only in an appropriation bill and without the word "hereafter" being used, and I further claim that the Bureau of Efficiency goes way beyond the scope of its authority, and I ask the Committee on Appropriations when this item comes before them again to give very careful consideration to how far the work of the Bureau of Efficiency can be carried on under the law.

I am going to illustrate by the very detail which came to my attention last week. In the annual report of the United States Bureau of Efficiency, on page 7, we find a recommendation from this bureau—mind you, a recommendation—to construct a Government paper mill, and the recommendation goes on to endeavor to prove how much money could be saved if the Government manufactured its own distinctive paper.

This recommendation brought about the introduction of a bill on which a hearing was held last week before the Committee on Expenditures, and the gentleman who introduced the bill, one of our leaders here, I do not hesitate to say was asking it in behalf of the Director of the Bureau of Efficiency, because the lack of knowledge he showed in discussing the subject was almost pitiful, and indicated that he had introduced the bill at the request of somebody else. However, the Director of the Bureau of Efficiency went before the Committee on Expenditures and maintained that this recommendation is a good one. I will not quote his testimony, but he found no legitimate fault with the contractor providing the paper; and I want to call the attention of the House to the further fact that every department of the Government having anything to do with distinctive paper on which bank notes are printed directly opposed the head of the Bureau of Efficiency in this recommendation. There appeared before the committee Assistant Secretary of the Treasury Hope; there appeared the head of the Bureau of Engraving and Printing, the head of the circulation department of the Bureau of Engraving and Printing, and the head of the Secret Service, and every one of these high officials of the Government took exception to the recommendation of the Director of the Bureau of Efficiency.

I claim, Mr. Chairman, that when such evidence as this is submitted to a committee of this House there should be no chance of such a recommendation ever reaching them under cloak of such a recommendation as that contained in the annual report of a subservient board.

I admit that much of their work is useful in checking up the accounts of various bureaus and making sure that the line of work they are conducting is worth while.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. SUMMERS of Washington. What kind of board did I understand the gentleman to call this bureau?

Mr. TREADWAY. This is the Bureau of Efficiency, and if I used the word "board," it was an error.

Mr. SUMMERS of Washington. I thought the gentleman said a "subservient board."

Mr. TREADWAY. Oh, I did not mean that; they are the boss. I thank the gentleman for correcting me. Certainly, they are subservient to no one. I say they should be subservient to the Congress and should be subservient to some Secretary, too. They should be under a department. They should not have this independent power of going throughout the Government and picking a flaw here and a flaw there and then making some theoretical recommendation which is not worth the paper it is written on, and it was not bank-note paper that this report was written on.

Mr. SUMMERS of Washington. Will the gentleman yield again?

Mr. TREADWAY. Certainly.

Mr. SUMMERS of Washington. The report, both of the Bureau of Efficiency and the Bureau of the Budget, does show that they are making many good recommendations that are actually saving substantial sums for the Treasury.

Mr. TREADWAY. I made that statement.

Mr. SUMMERS of Washington. And that part of their work should not be overlooked nor minimized.

Mr. TREADWAY. I made that statement and I have their report here, and you will find throughout the pages of testimony given here that they say that under their system they are saving one hundred dollars here and a thousand dollars there, all of which is very good, but that does not carry with it authority to those people to say to the Government or to the Congress that they should appropriate one million dollars to build a Government paper mill in the District of Columbia.

Mr. SUMMERS of Washington. The gentleman, of course, knows that all they can do, in any instance, is recommend, because they have no authority to enforce their recommendation, even on the departments; but quite a number of the departments are inviting them in and asking them to help work out systems within their bureaus or departments that will save money and add to their efficiency. While the gentleman is criticizing on the one hand, we should not overlook the general situation on the other.

Mr. TREADWAY. I agree with that; but in view of my experience with the Director of the Bureau of Efficiency I say that he has gone far afield of the authority actually conferred upon him by the Congress in bringing out recommendations which are theoretical only and which are refuted by practical men having to do with the subject matter that he undertakes to discuss.

Mr. SUMMERS of Washington. Will the gentleman again yield? I do not want to take up too much of the gentleman's time.

Mr. TREADWAY. That is all right.

Mr. SUMMERS of Washington. Does the gentleman remember that the Bureau of Efficiency has been working in connection with other departments of the Government over a period of three or four years in making changes in the stock on which the paper money is printed, changing the size of bills, and developing a better ink; so it is not a case of the Bureau of Efficiency speaking without wide knowledge?

Mr. TREADWAY. I am very pleased that the gentleman has brought up that question. Here are the actual facts as testified by the witnesses I have referred to, who testified before the committee last week, and also confirmed their statements in private conversations with me even more recently: Formerly the paper on which the bills of the Government are printed was made out of part linen and part cotton rags; I think about 80 per cent and 20 per cent. Following the war, for some reason which I do not exactly understand, the cotton rags were left out of the specifications and 100 per cent linen rags were called for. There developed from this evidently a brittleness in the paper which caused it to crack when folded sooner than the wear and tear of the bill was supposed to cause.

That was what brought about the investigation of the Bureau of Standards in cooperation with the Treasury Department and in cooperation with the Bureau of Efficiency, to see whether or not there could not be a change made in the specifications. And now the Treasury Department, instead of calling for 100 per cent linen, has gone back to the old specifications of 80-20, or thereabouts, linen and cotton, and to avoid this particular cracking with the folding of the paper.

Let me add further that this cracking brought about the only criticism of the contractor who has been furnishing the paper for money, but the criticism was unjustified in that the contractor was carrying out the specifications as laid down by the Treasury Department. The results are not satisfactory, but there is no fault whatever on the part of the contractor.

Mr. SUMMERS of Washington. Where is the paper manufactured?

Mr. TREADWAY. At Dalton, Mass.

Mr. SUMMERS of Washington. In the gentleman's own State. You have gone back to the old specifications prior to the change?

Mr. TREADWAY. To all intents and purposes, the relationship as to cotton and linen has been renewed.

Mr. SUMMERS of Washington. And the ink? It is very important.

Mr. TREADWAY. The ink has nothing to do with it. I think it was unfortunate that a criticism of the Government contractor was made because the reputation of this concern has been world-wide in the paper industry.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. TREADWAY I yield.

Mr. COCHRAN of Missouri. The criticism was not supported by the Assistant Secretary of the Treasury in charge of letting the contracts or by the Bureau of Standards and others who testified before the committee.

Mr. TREADWAY. The gentleman is right, and he is a member of the committee that heard the testimony.

Mr. LANKFORD of Georgia. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. LANKFORD of Georgia. How are these contracts made?

Mr. TREADWAY. By public bids. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

(Mr. TREADWAY asked and obtained leave to revise and extend his remarks.)

Mr. TREADWAY. I do not question the ability of the Director of the Bureau of Efficiency to carry on such investigations as are authorized by law, but I distinctly say that his knowledge of paper making is at the best entirely theoretical, and he goes entirely beyond his jurisdiction in recommending the construction of a paper mill in the District of Columbia. He not only exceeds his legal authority, but he submits a recommendation based upon an assumed technical knowledge which he does not possess.

For instance, he says there would be a saving in the transportation of the manufactured paper from the mill to Washington, amounting to many thousands of dollars. He neglects to explain, however, that such an arrangement would require the transportation of four times as much stock to Washington as the quantity of the finished product now coming here.

He estimates the cost of constructing a mill at $1,000,000. I am reliably informed that it would cost twice that amount.

He fails to explain how the Government would obtain the trained personnel required to make this grade of paper. This is a particular type of paper made only by the contractor whose employees have been in the company's services for years.

He neglects to mention another most important factor. The reason why the finest paper in the world is made in western Massachusetts is that the peculiar quality of water required in producing such paper is available only in that section. Efforts to duplicate this class of paper in other parts of this country have failed because of the lack of the proper kind of water.

I would suggest that hereafter the head of the Bureau of Efficiency confine his activities and recommendations within the scope of his legal jurisdiction. I would especially urge that he refrain from proposing to set the Government up in business, whether paper making or any other industry.

Mr. SUMMERS of Washington. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. WELCH].

Mr. WELCH of California. Mr. Chairman and members of the committee, the merchant marine law of 1928 was enacted by Congress only after it had been proved conclusively that an American merchant marine could not exist without a subvention in the form of ocean mail-carrying contracts which can be awarded only to American-owned shipping companies. For those foreign mail contracts the expenditures already made and those provided for, since the law has been in operation, amount to approximately $50,000,000. This $50,000,000 fund may well be called a bonus fund. It is at the disposal of the Postmaster General. That bonus fund makes it possible for American shipping companies to operate ships without loss. As a result of it we have opened up many new foreign markets for our surplus products. As a result of it there has been a boom in the American shipbuilding industry.

The merchant marine law of 1928 also provides a much larger fund, which is called the shipbuilding loan fund. This fund is placed at the disposal of the United States Shipping Board. Out of this fund the Shipping Board is authorized to advance generous sums as loans to American-owned shipping companies so as to make it easy for them to build their ships in American shipyards. These loans are at very low interest and extend over a long period of years. Up to to-day more than $131,000,000 has been authorized for this fund and more than $55,000,000 in cash loans has already been advanced.

Now, I am not criticizing this principle of the merchant marine law of 1928. That law is one of the most logical and constructive that Congress has enacted in 50 years. It insures the upbuilding and maintenance of a modern American merchant marine. It promotes and maintains American shipbuilding. Some of the most broad-minded and most public-spirited of our citizens are engaged in the shipping and shipbuilding industry. On the other hand, there is a self-centered, self-satisfied group of shipowners and

shipbuilders in one small section of our country who believe that the merchant marine law was enacted only for their special benefit.

During the first two years this law was in operation this coterie, behind closed doors, agreed upon the amount of the loan to be asked for in each instance and selected the favored shipbuilding company that was to construct the ship. The attention of the Shipping Board was called to this unfair practice. In justice to the Shipping Board, I am glad to say that they put a stop to those star-chamber methods and insisted upon competitive bids.

Open bidding, however, has failed to break up this greedy combination and they are still doing business at the same old stand. They are deaf to all appeals to their patriotism and sense of fair play. Why, in one instance with which I am familiar, they maneuvered the lowest bidder out of the award. That was the experience of George A. Armes, one of the outstanding shipbuilders of the Pacific coast, whose company, the General Engineering & Drydock Co., although offering the lowest bid, was denied the contract because of other considerations that were advanced as excuses to throw the job to a favored eastern shipyard.

The operations of that selfish clique have concentrated all the constructive benefits of the merchant marine law into one small section of the Atlantic coast which comprises less than 700 miles of our entire coast line. These few Atlantic coast shipyards are booming with activity. One shipyard not very far from here has already been awarded contracts that will keep it going full blast for the next five years.

On the other hand, due to this selfish discrimination, Pacific coast shipyards are idle. Work is at a standstill and shipbuilding in California, Oregon, and Washington threatens to become a lost art.

Our shipyards are being dismantled and let go to wrack and ruin because of that selfish clique of men. High-class ship mechanics and artisans on the Pacific coast are working with pick and shovel on emergency jobs created by our local governments to relieve unemployment.

Of all that $55,000,000 advanced in loans for shipbuilding, not one dollar has gone to any shipyard from San Diego to Puget Sound.

Now, my friends, is that sound public policy? The merchant marine law is justified only because it is intended as a national-defense measure. Is it safe for us as a Nation to maintain shipyards in one small section of our country and let them go to wrack and ruin on our entire western coast? A single 2,000-pound bomb dropped from an enemy airplane would make the Panama Canal impassable for months. A severe earthquake would do likewise. In the event of war on the Pacific Ocean we would have no shipyards—no dry docks—to recondition these merchant ships and convert them into troop transports. When war does occur our Nation may have to pay dearly for such discrimination and neglect.

When Congress enacted the merchant marine law it did not intend that it would be administered to enrich a selfish group of men. They wax fat at their banquet table and refuse to yield even a single crumb in the interests of patriotism and fair play. My friends, they have refused to forego a contract for even one ship that would help to keep Pacific coast shipyards prepared in case of war. [Applause.]

Mr. WOODRUM. Mr. Chairman, I yield two minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Chairman, during my discussion in this House on Saturday, January 24, of work of the Claims Committee, among other things I commented upon the Minnesota fire claims, and stated that there were many other fires not started by the carriers contributing to the damages complained of. I based those remarks on facts shown to the Subcommittee on Claims which conducted the hearings and on facts recited by the supreme court of that State.

These statements have since been questioned. I ask leave to insert at this time and place copies of the statements made to the subcommittee of the Committee on Claims, and by the Supreme Court of Minnesota in support of the statements made by myself, that there were many other fires which might have done much of the damages.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOX. The statement made by me shown in column 2 of page 3158 of the CONGRESSIONAL RECORD of January 24 to the effect that there were a great number of other fires contributing to the damages for which settlement was made by the Railroad Administration and on account of which the claims in question are now being urged having been challenged by the gentleman from Minnesota [Mr. PITTENGER], I quote from the record made before the committee showing the existence of other fires not of railway origin which entered as factors in causing the damages complained of.

First I quote from the report of the State forester of Minnesota, made November 1, 1918, after the fire which had occurred October 12, 1918:

> Groups of quietly smoldering fires were fanned by a 60-mile gale into running fires that united to form a solid front, which in the case of the fire that destroyed Moose Lake appears to have had a front on the west line of Carlton County of approximately 7 miles. The Arthyde fire, to the south, had a 3-mile front; the Corona fire, to the north, a 4-mile front; and the Cloquet fire, a 6 or 8 mile front. A number of other fires, some very intense, burned scattered settlements and even into the suburbs of Duluth.
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> These fires, like all other great forest fires, resulted from carelessness on the part of a great many people.
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> Incendiarism in the sense of setting fires deliberately to destroy property (through a conflagration) was not the chief cause. The devastating fires of October 12 sprang in the main from slow-burning marsh or bog fires, the number of which had been increasing as the fall season opened up. These fires were set by careless people traveling over peat-road grades, by railroad locomotives, or by landowners who were willing to risk their own and their neighbors' families in the hope of finding an easy way of clearing their marsh, peat, or cut-over lands. While fire may at times be used in land clearing, it has been demonstrated that the time and method can not be left to the judgment of settlers, loggers, and railroad companies. (Hearings, pp. 15–16.)

The Governor of Minnesota appointed a commission which investigated and reported on the origin of these fires.

> Under such conditions the greatest care should be exercised in setting our fires. The evidence shows, however, a vast number of fires to have been in existence—the number of them the commission does not pretend to say, but doubtless there were hundreds of them. There were many of them started by railway operation and many more from clearing up lands and from burning meadows and bogs. This had been the case for a considerable time prior to the big fire, and some of the fires that were in existence on October 11 and 12 had been burning for days; and some of them in the bogs and swamps, especially where there had been drainage inaugurated, and also in stumps and logs had been burning more or less for weeks.
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> On some of the roads there have been patrols kept adequately either to put them out or keep them under control; and there has, for the most part, been good cooperation between the Forestry Service and the operating servants of the railroads. There was considerable evidence before the commission tending to show that along the Soo Line, which runs through Moose Lake and northwesterly to Bemidji, there had been many fires started, partly due to the style of locomotives used, and very little attempt made to care for them and little, if any, patrol work done even where a request or order had been made by the Forestry Service therefor. So that throughout this burned district there were on October 12 many fires burning.
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> The burning of Cloquet seems to be due to a number of fires, started in land-clearing work to the west and southwest; and the fire from Brockton came down from the northwest, all joined together and wrought quick destruction of the city. Thence the fire swept eastward, and all the other fires being stimulated into activity by the wind, the burned area eastward is well-nigh continuous and into the eastern and northeastern suburbs of Duluth. In this territory there were many independent fires as, for instance, one at Sunset Lake, a short distance southeast of Burnett Station, which, starting on the land of one of the cottagers, had been burning several days and had been fought with more or less success but, augmented by the wind, destroyed most of the cottages at the lake, hay, timber, and other property. There were also other fires about Grand Lake and many fires in the territory eastward, and in the holocaust fires became united and the whole country became on fire. Some of this territory burned earlier than the city of Cloquet. (Hearings, pp. 17, 18, 19.)

Recognizing that there was evidence of the existence of many other fires of many independent origins, the court

charged the jury in many of the cases substantially or exactly as follows:

If the fire started by the railroad united with a fire or fires of other or unknown origin, it was a question of fact for a jury to determine whether or not the fire started by the railroad was a substantial element in creating the damage; and if so, the railroad was liable for the entire loss. (Anderson *v.* Director General, 179 N. W. 45.)

In one of the controlling cases, which was finally affirmed by the Supreme Court of Minnesota (McCool et al. *v.* Davis, Agent, No. 24416, 202 N. W. 900), a majority of the court held that an instruction to the jury substantially as stated above was correct and that upon conflicting evidence the court should not reverse the judgment as not supported by the evidence on this point. On this question the majority of the court said:

That some of us feel the facts to be otherwise than as found by the jury does not entitle us to nullify their determination. They were not impressed, at least not to the point of being controlled, by the fact that the northwest wind, which in Hall *v.* Davis (150 Minn. 35, 184 N. W. 25) was successfully shown to have carried the big fire from milepost 62 to Cloquet, has now become first a west and then a southwest wind capable of taking the same fire to Woodland. There may be merit in the argument that this timely wind shift had its source only in the mind of witnesses. But this and other arguments for defendant do not permit us to say that there is not, as a matter of law, enough evidence to sustain the verdict.

Chief Justice Wilson dissented from the proposition that the evidence was sufficient to support the verdict, Justice Quinn concurring in the dissent. I quote briefly from the dissenting opinion:

WILSON, C. J. (dissenting). I can not concur in the result reached. The evidence in this case, in my judgment, does not warrant the inference that the loss in fact resulted from the railroad fire. The legal identification of the destructive fire has not been established.

* * * * * * *

Plaintiffs' home was burned by a fire coming from the north. They left their home by the back door to the south. No one has pointed out how the railroad fire could have reached the particular house. The presence of so many other fires so near by, which were ready to consume everything in their course under the anger of a gale, is not only quite sufficient to account for the loss but renders it highly improbable that the railroad fire is even a contributing cause of the loss. With this conviction I feel it my duty, because of the reasons stated here and in the prior opinion, to register my protest against liability being imposed by this record which I think is conjectural and speculative in the extreme. I regard the proof as insufficient.

QUINN, J. I concur in the dissent of the Chief Justice. (Hearings, pp. 142–143.)

The gentleman from Texas did not indicate to the House even a dissent from the majority opinion rendered on evidence which made the majority of the court doubtful, nor did he declare himself in the strong language of the Chief Justice and Justice Quinn in the case cited, who had all the evidence before them, while the gentleman from Texas did not. He merely advised the House of the existence of this great number of independent fires, and that it is not unreasonable to suggest that they did a substantial part of the damages, considered all together, as the settlement dealt with them and as Congress will have to deal with them.

When the claims were being considered by the whole committee a member of the subcommittee which had investigated them specially advised the whole committee that the hearings showed 100 fires, more or less, rampant in that region at that time in such manner as to do or to contribute to a great portion of the damage done by the railroad and consolidated fires.

Mr. WOODRUM. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. ALLGOOD].

Mr. ALLGOOD. Mr. Chairman, I wish to commend the gentleman from Virginia [Mr. WOODRUM] for the study he has made on this bill. If more Members of the House would take the time to study the measures they have in charge, as has the gentleman from Virginia, there would be better legislation.

Gentlemen, we are facing an unusual condition in this Nation. I think the time has come when as individuals and as parties—and I mean political parties—we need to safeguard the financial interests of the Nation.

I was glad to see the action taken to-day by this body on the appropriation bill in upholding the gentleman from Indiana [Mr. WOOD], the chairman of the Committee on Appropriations, in stopping the increase in salaries. I have consistently voted against increases in salaries and voted against the bill increasing my salary and the salaries of other Members of Congress. The people who are on the pay rolls are not the ones who are suffering to-day. Those who have not made any connection with the pay roll, whether it be the Government pay roll or farm pay roll, are the ones who are suffering.

I think the time has come when we must strike at the taproots of economy and really work and vote for economy. I notice in this bill there is an appropriation of $304,250 to build monuments for soldiers buried in foreign countries. There are thousands of soldiers who are living and suffering from the effects of the war who have never been able to secure compensation. I think we should first care for the living who are in distress and need help.

An appropriation for the Federal Farm Board is also carried in this bill. Thirteen days ago I addressed the following letter to the chairman of the Farm Board, and have had no reply from him. I consider the letter of enough interest to ask permission to read it at this time.

MY DEAR MR. LEGGE: Coming, as I do from Alabama, I am more interested in the production of cotton and the price it brings than in any other farm commodity; for this reason I am writing you at this time to know if it will not be advisable to let the farmers throughout the South know the actual conditions that are confronting us this year. My opinion is—and I was formerly commissioner of agriculture of the State of Alabama—that instead of waging an acreage-reduction campaign it will be more effective to inform the farmers of the actual existing conditions.

First, I would stress the fact that the buying power of the country and the world is weak, then I would show the decrease in the consumption of cotton in 1930 as against 1929. I would show the increase of foreign production of cotton of 1930 as compared with 1929. I understand that the carry-over of our American cotton will be around 9,000,000 bales. I would emphasize the fact that this large carry-over will to a great extent supply the needs of the spinners for 1931. It seems to me that it would be most effective if you would prepare a short, concise statement of these facts, place them in the hands of every demonstration agent, and if necessary spend a little money in placing this statement in every weekly and daily newspaper throughout the South.

I hope that you will not think I am assuming too much in thus addressing you, but this is a question of vital interest to millions of people. If your board informs the cotton farmers of the facts and real conditions confronting them, and then in the face of this information they produce another 14,000,000-bale crop of cotton this year, and are forced to sell it for 8 cents, or $40 a bale, the responsibility will not be yours. I certainly want to do everything that is in my power to prevent this calamity and to help restore normal conditions in the cotton industry.

Yours very respectfully,

MILES C. ALLGOOD.

In some of the cotton areas it is almost planting time, farmers are preparing their crops and deciding what they are going to plant. I think the above information should be brought to the attention of every cotton farmer in the South. He should be made aware of the conditions confronting him. He should know that within the last 10 years the foreign production of cotton has increased from 6,000,000 bales to 12,000,000 bales, and that there is a possible carry-over of 8,000,000 bales of American cotton that can not be consumed this year.

Mr. COLE. Mr. Chairman, will the gentleman yield?

Mr. ALLGOOD. Yes.

Mr. COLE. I approve very strongly the tenor of the gentleman's letter. I am surprised that Mr. Legge not only has not answered it but that he has not acted on it. I think he ought to give the same sort of information to the wheat growers. There is no sense in going on and producing a surplus crop of cotton or wheat.

Mr. ALLGOOD. I thank the gentleman.

General Hines, Administrator of Veterans' Affairs, states that the veterans' bill passed last year will cost approximately $25,000,000 this year, and will cost approximately $50,000,000 next year. This bill takes care this year of some 70,000 ex-service men, and next year some 150,000, who are

suffering from tuberculosis and various diseases. In most instances these are men who went overseas and who, when they came back, were so anxious to get home that when they were discharged they said that their physical condition was good. They did not want to be detained in camps and hospitals, for the war being over they felt their services were needed at home. This appropriation has put these men in a much better attitude toward our Government. These soldiers who risked their lives for this Nation, who went abroad to fight, and came back and could not even get consideration for their just claims, these soldiers who had families dependent upon them, very naturally felt resentment against the Government, particularly when they knew that many soldiers who did not go overseas had been able to get their claims allowed by the Veterans' Bureau.

In regard to the cash payment of the bonus I think it would be one of the best business moves that this Congress could make to-day. What if war were declared to-morrow? Would we hesitate to float bonds for four billion or eight billion, or twelve billion dollars if the war continued? No. And Mr. Mellon and the President and you and I would all favor it. The bonus will have to be paid in 1945, and there will doubtless never be a time when the soldiers will need money more than now. Besides, the Government can borrow money at around 3 per cent interest at this time, and it will be good business to pay this debt and place this money in circulation.

I came to Congress with the idea of reducing governmental expenses, and have voted against hundreds of measures carrying millions and millions of dollars of appropriations. I am sad to say that in most instances these measures became laws, and increased our national expenditures from $3,697,400,000 in 1923, when I came to Congress, to $3,994,-152,000 in 1930. This makes an increase of more than $700,-000,000 for the past year. This enormous expenditure and increase of governmental expenses has taken place under Republican rule.

Two years ago when the Republican Party, in a giantlike stride, swept into power, carrying all of the States except eight, and when 40 able and loyal Democratic Congressmen from former Democratic strongholds were defeated, it seemed to be the opinion of the Republican leaders that they had annihilated the Democratic Party for all time. They seemed to think that the word "Republican" had magic in it. Republican leaders had preached through so many campaigns that Republican rule meant a full dinner pail, a living wage for every man, and prosperity for all; and that it was impossible for disaster to come upon this Nation while they were in power, that millions came to believe it. With this feeling of security, President Hoover called an extra session of Congress, saying that it was for the purpose of passing farm-relief measures and a modified revision of the tariff. This step led to the downfall and disaster of the Republican Party. It soon became evident to the country that the extra session of Congress had not been called to give relief to the distressed farmers of the Nation, but that it was a Republican move to increase the tariff upon thousands of manufactured articles produced in the big factories of the East.

It developed that the great industrial leaders who had been paying millions of dollars as campaign contributions to the Republican Party were not satisfied with the enormous profits they were making. I was before the Ways and Means Committee of the House when hearings were held for months and months during the extra session on the present tariff law. Manufacturers were continually, day after day demanding higher and higher rates, and they were successful in their demands. The Republicans passed the Smoot-Hawley tariff bill. During these many months of the extra session of Congress foreign nations began to realize that we were building higher tariff walls against them.

In an effort to offset our exorbitant tariff rates 33 foreign nations banded together to boycott American products and agreed to trade with each other, with the result that our foreign trade has fallen off more than $100,000,000 per month and some seven millions of our people are now out of employment. If this Nation is to endure, we must have a change in governmental policies. Laws must be enacted to give to the farmers, the small banker, the individual merchant, those engaged in small business, and the ordinary laborer a fairer distribution of the wealth of the Nation. To-day some 23,000 millionaires own approximately $320,-000,000,000 of the wealth of the United States, and while 120,000,000 people only own $80,000,000,000. There is more distress among the farmers to-day than ever before. The prices of agricultural products are lower than at any time since the beginning of the World War, while the prices of manufactured products are much higher than they were prior to the war. The cotton farmers in my section made plenty of cotton last year, but after paying for fertilizer, ginning expenses, and taxes they have nothing left. Conditions are so bad that banks and merchants in most instances have not been able to extend credit, and it has been necessary for us to pass legislation here providing for the lending of money to farmers in the drought-stricken sections, who are not able to obtain credit elsewhere. Thousands of bank failures have left a trail of despair and want throughout the Nation. I consider the present loose banking laws a national disgrace, and Congress should take the matter in hand and pass legislation that will make the depositors free from loss.

The wealth of the Nation is not only unequally distributed as between individuals, but is also unequally distributed as between the different sections of the country. The annual report of the Comptroller of the Currency for 1930 shows the per capita demand and time deposits in the banks in the New England States to be $803, as against $135 in the Southern States. The per capita savings deposits in the New England States are $579, as against $53 in the Southern States. In other words, each person in the New England States has been able to save on the average $579, while each person in the Southern States has been able to save on the average only $53 in a lifetime. The people in the New England States have had special national legislation protecting their property rights and this legislation has discriminated against the people of the South and been unfair to them. The comparison just made shows why the money panic is so much more severe in our section of the country, where money is scarce at all times, than in other sections that are more favorably situated financially. There should be a fair distribution of the wealth of this country, and in order to procure this I know of no more just way than for this Congress to pass an old-age and dependency pension law. We have never failed to pension those who fought our battles in time of war. While I was not a soldier, I have year by year met with the ex-service men of my district and assisted them personally with their claims, and I have supported every veterans' measure that has been passed by Congress since I became a Member; but the soldiers are not the only people to whom this Nation is indebted. We became a Nation 150 years ago, and since that time we have spent only 10 years in 5 wars and have had 140 years of peace.

Warfare not only brings loss and distress to the soldiers who engage in the conflict, but leaves a trail of debt, want, woe, and distress at the fireside of millions of our people. To-day there are many men in this Nation who have grown old, and while they have never been called upon to fight in defense of their country in time of war, they have lived as upright citizens, reared families, paid their debts and done everything in their power to make this the land of the free and the home of the brave. There are thousands of these good men with their precious wives, who have grown old, and are not physically able to fight the battle of life and carry on as heretofore. It behooves the rich, the brave, the young, and the patriotic of this Nation to pass a pension law that will reward these good citizens who have fought our country's battles through the years of peace, and who are now helpless and in need. I also hold that the corporations and companies throughout this Nation should be required to safeguard their employees by pensions which will take care of them in their old age, and in times of depression such as we are passing through now. I have noticed that most of

these corporations are continuing to pay dividends to their stockholders during this depression, and in many cases these dividends are being paid out of the earnings that were accumulated during prosperous times. The same principle that applies to the stockholders should apply to the laborers, who make so much of the profits for the stockholders. Part of the earnings of the laborers should be reserved by the companies as a special fund and a percentage of the net earnings of the companies should be added to this fund to accumulate a pension fund for the employees.

There are approximately 7,000,000 people who are out of gainful employment in the towns and cities of this country at this time, and we do not know how many millions of people there are on the farms to-day who can not pay their debts and who have no source of income. There have been more business failures, especially of small merchants, in the last 12 months than ever known before in the same period of time in our history. I, for one, contend that something must be done to bring about a change in our business affairs. The capitalist, the millionaire, and the great corporations in our Nation should realize that human nature is practically the same the world around. We know that the Communist Party is in control of Russia to-day because the masses under the government of the Czar were hungry, cold, and desolate. It was this condition that made it possible for the Bolsheviks to set up their government. May God forbid such a condition ever arising within our borders.

I have lived to see that period in my life when the greatest interest that I have is to make it possible for my people to educate their children, to be able to pay their debts, to become home owners, and for the youth of our section to have as good opportunities to succeed, as if they were born in New England or any other section of the Union. [Applause.]

Mr. SUMMERS of Washington. Mr. Chairman, on Saturday I spoke on the independent offices appropriation bill from a strictly financial angle, and announced at that time that I would later discuss this bill from another and perhaps a more interesting viewpoint.

The independent offices appropriation bill, now under consideration, covers a wider scope of activities than any other bill that comes before the Congress.

It probably carries a larger total appropriation than any other strictly appropriating bill ever prepared in peace time in any country. Nevertheless, in framing this bill the committee has been very diligent in behalf of the taxpayer and has cut the total $2,790,050 below the Budget estimates.

The grand total carried in the bill is the stupendous sum of $1,052,568,140. Veterans' administration requires $866,862,612. The Federal Farm Board appropriation is $101,900,000, and $37,406,000 for the Shipping Board, leaving a total of $46,399,528 for the other 29 independent activities of the Federal Government.

Before going into detail on some of the items carried in this bill let me call the roll of activities provided for herein and the amount carried for each:

| | |
|---|---|
| Executive Office, including protecting interests of the United States in oil leases and oil lands | $532,380 |
| American Battle Monuments Commission | 304,250 |
| Arlington Memorial Bridge Commission | 1,000,000 |
| Board of Mediation | 188,185 |
| Board of Tax Appeals | 653,640 |
| Bureau of Efficiency | 200,270 |
| Civil Service Commission | 1,644,542 |
| Commission of Fine Arts | $9,775 |
| Employees' Compensation Commission | 4,730,980 |
| Federal Board for Vocational Education | 2,718,980 |
| Federal Farm Board | 101,900,000 |
| Federal Oil Conservation Board | 20,000 |
| Federal Power Commission | 260,195 |
| Federal Radio Commission | 465,380 |
| Federal Trade Commission | 1,761,766 |
| General Accounting Office | 4,297,620 |
| George Rogers Clark Sesquicentennial Commission | 800,000 |
| George Washington Bicentennial Commission | 338,195 |
| Housing Corporation | 19,930 |
| Interstate Commerce Commission | 9,412,473 |
| National Advisory Committee for Aeronautics | 1,051,070 |
| National Capital Park and Planning Commission | 4,000,000 |
| Personnel Classification Board | 218,850 |
| Porto Rican Hurricane Relief Commission | 1,000,000 |
| Public Buildings and Public Parks of the National Capital | 5,541,445 |
| Public Buildings Commission | 125,000 |
| Smithsonian Institution | 1,153,804 |
| Tariff Commission | 1,040,000 |
| United States Geographic Board | 10,678 |
| United States Shipping Board | 37,406,000 |
| United States Supreme Court Building | 3,750,000 |
| Veterans' Administration | 866,012,732 |
| Grand total | 1,052,568,140 |

It shall be my purpose in this discussion to give a brief outline of the bill's contents and the activities of the boards and commissions for which appropriations are made, rather than a critical analysis of the appropriations. I have already spoken on that phase of the bill.

VETERANS' ADMINISTRATION

This bill carries for Veterans' Administration the following:

| | |
|---|---|
| Administration, medical, hospital, and domiciliary services | $110,228,707 |
| Printing and binding | 157,000 |
| Military and naval compensation | 267,327,025 |
| Army and Navy pensions | 222,000,000 |
| Military and naval insurance | 121,500,000 |
| Hospital and domiciliary facilities and services | 11,350,000 |
| State and Territorial homes for disabled soldiers | 600,000 |
| Adjusted-service certificate fund | 112,000,000 |
| Civil service retirement and disability fund | 20,850,000 |
| Total | 866,012,732 |

General Hines shows that 94.47 per cent of this amount goes for the direct benefit of veterans, while only 5.53 per cent goes into administrative expenses. A very remarkable showing.

FEDERAL FARM BOARD

The time at my disposal does not permit an extended discussion of the Farm Board's activities but I am inserting an instructive table—showing the board's financial assistance to the following commodities—beans, cotton, dairy products, fruits and vegetables, grain, honey, livestock, nuts, potatoes, poultry and eggs, rice, seeds, tobacco, wool, and mohair.

The table also gives a comprehensive picture of the activities of the Grain Stabilization Board and the Cotton Stabilization Board.

Under the first six months of the act of July 3, 1930, the disability allowance or World War pension act, General Hines tells us:

We had a total of 305,890 applications for the disability allowance. We had adjudicated 45.48 per cent, or 139,125 cases. Of these 72,433 had been allowed, and they fell in groups: The first group 25 per cent permanent disability, 39,516; the second group 50 per cent disability, 16,456; the third group 75 per cent disability, 5,536; total disability, 10,905.

*Statement, by commodities, showing amounts of commitments approved, commitments canceled, net commitments, advances, repayments, balances outstanding, and balance of commitments available for advances, in connection with all loans made by the Federal Farm Board under provisions of the agricultural marketing act as shown by the records of the treasurer's office, Federal Farm Board, as of January 7, 1931 (entry date)*

| Commodity | Total amount of commitments approved | Amount of commitments canceled | Net commitments | Amount advanced | Repayments | Amount outstanding | Balance of commitments available for advances |
|---|---|---|---|---|---|---|---|
| Beans | $955,343.31 | $115,130.65 | $840,212.66 | $318,087.96 | $57,862.66 | $260,225.30 | $522,124.70 |
| Cotton | 152,940,684.35 | 24,674,557.68 | 128,266,126.67 | 113,105,011.25 | 44,938,379.58 | 68,166,631.67 | 15,161,115.42 |
| Dairy products | 19,885,000.00 | 1,704,130.25 | 18,180,869.75 | 8,878,297.00 | 3,881,587.57 | 4,996,709.43 | 9,302,572.75 |
| Fruits and vegetables: | | | | | | | |
| Citrus fruits | 3,800,000.00 | 500,000.00 | 3,300,000.00 | 2,716,018.00 | 446,207.81 | 2,269,810.19 | 583,982.00 |
| Grapes and raisins | 22,086,200.00 | 1,646,126.91 | 20,440,073.09 | 19,176,925.04 | 3,889,979.68 | 15,286,945.36 | 1,263,148.05 |
| Other deciduous fruits | 2,490,875.00 | 123,322.64 | 2,365,552.36 | 1,482,257.52 | 137,336.94 | 1,344,920.58 | 883,294.84 |
| Miscellaneous fruits and vegetables | 1,116,000.00 | 221,000.00 | 895,000.00 | 69,550.00 | | 69,550.00 | 825,450.00 |

*Statement, by commodities, showing amounts of commitments approved, commitments canceled, net commitments, advances, repayments, balances outstanding, and balance of commitments available for advances, in connection with all loans made by the Federal Farm Board under provisions of the agricultural marketing act as shown by the records of the treasurer's office, Federal Farm Board, as of January 7, 1931 (entry date)*—Continued

| Commodity | Total amount of commitments approved | Amount of commitments canceled | Net commitments | Amount advanced | Repayments | Amount outstanding | Balance of commitments available for advances |
|---|---|---|---|---|---|---|---|
| Grain | $60, 141, 902. 60 | $10, 375, 367. 66 | $49, 766, 534. 94 | $41, 624, 582. 59 | $14, 418, 475. 23 | $27, 206, 107. 36 | $8, 141, 952. 35 |
| Honey | 135, 000. 00 | | 135, 000. 00 | 45, 839. 00 | 6, 158. 58 | 39, 680. 42 | 89, 161. 00 |
| Livestock | 17, 450, 000. 00 | 11, 320, 295. 74 | 6, 129, 704. 26 | 4, 079, 704. 26 | 1, 368, 985. 81 | 2, 710, 718. 45 | 2, 050, 000. 00 |
| Nuts | 435, 000. 00 | | 435, 000. 00 | 251, 667. 48 | 75, 000. 00 | 176, 667. 48 | 183, 332. 52 |
| Potatoes | 205, 000. 00 | 9, 000. 00 | 196, 000. 00 | 196, 000. 00 | 46, 000. 00 | 150, 000. 00 | |
| Poultry and eggs | 430, 000. 00 | 15, 000. 00 | 415, 000. 00 | 235, 000. 00 | 12, 500. 00 | 222, 500. 00 | 180, 000. 00 |
| Rice | 1, 784, 000. 00 | 463, 000. 00 | 1, 321, 000. 00 | 868, 538. 61 | 155, 761. 76 | 712, 776. 85 | 452, 461. 39 |
| Seeds | 101, 800. 00 | 53, 258. 38 | 48, 541. 62 | 41, 741. 62 | 6, 741. 62 | 35, 000. 00 | 6, 800. 00 |
| Tobacco | 4, 750, 000. 00 | 1, 304, 731. 90 | 3, 445, 268. 10 | 1, 496, 097. 57 | 565, 178. 74 | 930, 918. 83 | 1, 949, 170. 53 |
| Wool and mohair | 16, 803, 689. 00 | 22, 678. 61 | 16, 781, 010. 39 | 14, 156, 766. 91 | 2, 410, 945. 04 | 11, 745, 821. 87 | 2, 624, 243. 48 |
| Total | 305, 510, 494. 26 | 52, 549, 600. 42 | 252, 960, 893. 84 | 208, 742, 084. 81 | 72, 417, 101. 02 | 136, 324, 983. 79 | 44, 218, 809. 03 |
| Grain stabilization | 154, 000, 000. 00 | 3, 000, 000. 00 | 151, 000, 000. 00 | 119, 000, 000. 00 | 53, 620, 801. 70 | 65, 379, 198. 30 | 32, 000, 000. 00 |
| Cotton stabilization | 65, 000, 000. 00 | | 65, 000, 000. 00 | 45, 144, 102. 97 | 5, 001, 485. 67 | 40, 142, 617. 30 | 19, 855, 897. 03 |
| Grand total | 524, 510, 494. 26 | 55, 549, 600. 42 | 468, 960, 893. 84 | 372, 886, 187. 78 | 131, 039, 388. 39 | 241, 846, 799. 39 | 96, 074, 706. 06 |

BOARD OF TAX APPEALS

The Board of Tax Appeals was organized under act of Congress in 1924 to permit the taxpayer to have his liability for additional taxes determined by an agency other than the Treasury Department and prior to the payment of the tax.

Its jurisdiction is limited to a consideration of income and profits taxes, estate taxes, and gift taxes.

To November 1, 1930, 50,751 proceedings were docketed. During the same period 35,706 proceedings were closed—either in dismissal, stipulation, or opinion.

The total deficiencies asserted by the Commissioner of Internal Revenue in the docketed proceedings are $1,154,325,951.88, an average of $22,825.85 per case.

There are 152 employees, including 16 members of the board. This bill carries $609,460 for 1932.

Mr. STAFFORD. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. STAFFORD. Has the gentleman the figures as to the number of claims that are pending before the Board of Tax Appeals, the number that have been adjudicated and the number still awaiting adjudication?

Mr. SUMMERS of Washington. I have referred to the gross number of cases docketed, 50,751, and during that period 35,706 proceedings were closed. That leaves practically 15,000 cases. I might say to the gentleman that the Board of Tax Appeals, with some additional help that was allowed them last year, has been speeding up until they are closing the gap now and are a little more nearly current than they have ever been since the board was organized.

Mr. STAFFORD. The gentleman can not inform the House as to what year they are passing in review upon tax appeals?

Mr. SUMMERS of Washington. The work can not be handled wholly by years. A taxpayer in any given year may ask a postponement. So a 1922 case may drag along while cases filed in 1927 or some later year are closed.

Mr. STAFFORD. We read from day to day of the board allowing this estate so many million, this person so many million, and I was wondering whether we were catching up or whether the claims are multiplying so that we will have these large expenditures in the future or whether the peak has been passed.

Mr. SUMMERS of Washington. The gentleman will bear in mind that none of those refunds come out of the Tax Appeals Board. These Board of Tax Appeals cases are referred to them before payment is made, and the others, as I understand, are adjudicated in the office of the Commissioner of Internal Revenue. There is a distinction between the two classes of claims.

Mr. STAFFORD. Yes. I recognize there is that distinction. A couple of weeks ago considerable of the time of the Supreme Court of the United States was being occupied in hearing arguments on questions of refunds and offsets, running into thousands of dollars. I would like some definite information as to when the board will catch up with the work so that we will know the peak has been passed.

Mr. SUMMERS of Washington. I would refer the gentleman to page 28 of the hearings, which will answer the question he has in mind.

Mr. STAFFORD. I am thankful to the gentleman for always referring me to the hearings, which I know are very copious.

GENERAL ACCOUNTING OFFICE

Mr. SUMMERS of Washington. The primary purpose of this establishment, as stated by Mr. McCarl, Comptroller General of the United States, has been to aid the Congress and the Chief Executive in seeing that the contracting and spending agencies of the Government not only observe the restrictions, directions, and limitations appearing in the law and relating to the expenditures of public moneys, but that such expenditures are made economically.

The General Accounting Office employs 1,960 people and costs the Treasury in round numbers $4,000,000 annually. However, by preaudits and postaudits of vouchers and accounts totaling $4,000,000,000 annually, it saves the taxpayers directly and indirectly many millions more than its cost of operation.

FEDERAL RADIO COMMISSION

This commission tells us the United States is to-day the foremost country in the world in radio. We surpass all others in research and development. Our problems—national and international—are multitudinous. Broadcasting makes up only about 4 per cent of radio activity.

In the other 96 per cent of the radio spectrum are the commercial communications, such as radio telephone, and telegraph between this continent and the other continents of the world; communications by radio telegraph and telephone between the United States and ships at sea; aviation radio, police radio, television, and many other similar services, some services small now but growing very rapidly in importance. It is with these communications that we are able to carry on our international business rapidly. It is in this portion of the spectrum that we have communications concerning safety of ships at sea, safety of airplanes in flight, and even in the case of police radio in some cities the safety of our own homes. In this part of the spectrum we have many services which are new and developing.

This work is carried on by 128 employees, including the five commissioners at an outlay for next year of about $465,000.

SMITHSONIAN INSTITUTION

The scope of this institution's activities are very broad.

There is an appropriation to provide for the interchange of scientific and parliamentary documents between the United States and foreign countries, based on the treaty of Brussels of 1886. Books received in exchange are deposited in the Library of Congress.

Ethnological research among the American Indians and the natives of Hawaii; archæological research in Arizona and in cooperation with many universities cover a very wide range.

THE ASTROPHYSICAL OBSERVATORY

The Astrophysical Observatory is engaged in the study of solar radiation, on which all life on the earth depends. Its investigations indicate that the amount of solar radiation received by the earth varies, and that there is a definite relation between this and the weather. No other investigation of this subject, in comparable manner, is being done by any other institution in the world, and it promises results not only of high scientific interest but of great economic importance in the forecasting of weather in advance.

Solar radiation is being observed at the top of Mount Montezuma in a desert of Chile in South America, on Table Mountain in southern California and in southwest Africa. Doctor Abbott, the directing genius of Smithsonian, now tells us that "after many years' study it may be definitely asserted that weather is due to fluctuating solar radiation and not to local conditions as generally believed by meteorologists. This makes possible weather forecasts a week in advance and may later make possible forecasts for seasons and even for years in advance" and that "by further studies of this kind we shall bring about a new era in meteorology."

Mr. STAFFORD. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. STAFFORD. The work under the Smithsonian Institution is being undertaken independent of the work done by the Weather Bureau?

Mr. SUMMERS of Washington. Yes; this is independent. This astrophysical laboratory was established about 40 years ago and has been making these observations over a long period. Some of the observatories have been supported by private funds. A total of $300,000 has been contributed and has been largely carrying on this work in South America and at other places over a number of years.

Mr. STAFFORD. Has the gentleman any figures showing the amount of expenditure for the Smithsonian Institution from private funds as compared with Government appropriations?

Mr. SUMMERS of Washington. Of course, the gentleman has in mind that from the Smithson estate there is derived a large sum annually. Then, because of the scope of the work that is being done, there is a considerable appropriation made from the Federal Treasury, and very properly so. In addition to that I recall that two or three years ago, for this particular work of the astrophysical laboratory, some gentleman was contributing $80,000 or $90,000. And over a period of years, so that it aggregated something like $300,000. I can not give the segregation of Federal and private funds contributed, but I know that private funds are contributed and have been contributed over a long period of time to the scientific work of the Smithsonian Institution.

Mr. STAFFORD. I was wondering whether the private contributions would aggregate as much as 50 per cent. I have known for some time generally that the Smithsonian Institution is supported quite generously from private sources. I was wondering whether the gentleman from Washington had any definite and concrete figures as to percentages between private funds and the public expenditures?

Mr. SUMMERS of Washington. I believe I am safe in saying that in some of their activities they have been supported more largely by private funds than by Government funds.

Doctor Abbott reiterates as follows:

> I fully believe, now, sir, that within a short time the forecasting of the weather, instead of being done from day to day, as it is now by aid of telegraphic news as to conditions which prevail a few hundred miles west of us, will be done by the knowledge of the condition of the sun. It will be done not only a day or a few days in advance, as is customary at the present time, but weeks, possibly months, possibly years, in advance. Even to that hitherto unheard of extent, we shall get a fair knowledge of what is ahead of us.

As you may appreciate from the statement of this learned scientist, this is very scientific work covering a long period of time.

I might say that only 12 months ago, when Doctor Abbott was before our committee, he was not willing to concede that anybody could make these long-time predictions, although some individual in a distant State was claiming he was able to do it and was making predictions. But this year Doctor Abbott says, after putting all of the information together and comparing the observations made at these different places over a number of years, and analyzing them all, he is fully convinced, and on that he makes these statements. He submitted some very interesting and enlightening charts to bear out his contention.

Mr. SLOAN. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. SLOAN. I am much pleased at the gentleman's discussion in making certain the matter of weather to come. Has the gentleman given any thought as to how much it would reduce interest in the frequent discussions between men and women about the weather, if this uncertainty is removed, as the gentleman apparently expects it to be.

Mr. SUMMERS of Washington. I am quoting Doctor Abbott.

Mr. STAFFORD. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield briefly.

Mr. STAFFORD. Has this forecast that Doctor Abbott thinks is scientifically sound, been accepted generally by meteorologists? I am not referring to any punsters about the weather. I am seeking serious information from scientists.

Mr. SUMMERS of Washington. Scientists know of the investigations that have been under way over this long period of time; but as to his final conclusions and the tables he had just worked out, he told us we were getting them fresh off the griddle, and that he had only completed them the day before he appeared before the committee.

In further answer let me say that I inquired if the Chief of the Weather Bureau agreed with him and he said that this information had not as yet been carried to him.

Mr. MOORE of Virginia. As far as that individual is concerned, I think the gentleman will bear me out in saying that Doctor Abbott stated he is having the sympathetic support of a great many scientists in the effort he is making.

Mr. SUMMERS of Washington. That is quite correct.

Mr. MOORE of Virginia. And there is great hopefulness among all of them that the result which is in prospect will be reached.

Mr. SUMMERS of Washington. I so understand.

Mr. STAFFORD. When does Doctor Abbott state he will have reached such conclusions as will enable him to make these future forecasts?

Mr. SUMMERS of Washington. At these three observation points, in South America, southern California, and southwestern Africa, they have more sunshine than they have been able to find at any other place on the face of the earth. They are able to make observations there about 80 per cent of the time, and the only reason, as I gathered from his testimony, they are not able to make these definite predictions at this time is because they have not as yet been able to close that 20 per cent gap in the observation of radiation from the sun. They have discovered not only that the radiations vary from day to day and time to time, and so on, but that there is a rhythm or a periodicy to those variations, and when they can close that 20 per cent gap then they will be ready to make official the announcements and statements he has been making. Doctor Abbott said it might be necessary for them to find some other place where they could make more continuous observation or cover the period which is not covered at these observatories. It is intensely interesting information.

The National Museum, National Gallery of Art, Gellatly Art Collection in New York, printing for American Historical Association and other activities are directed by the Smithsonian Institution all at a cost of $1,153,804.

EMPLOYEES' COMPENSATION COMMISSION

This commission administers the—(1) United States employees' compensation act enacted in 1916; (2) longshoremen's and harbor workers' compensation act approved in 1927; (3) District of Columbia workmen's compensation act of 1928.

It is estimated these laws are applicable to more than 1,000,000 employees.

There were 26,069 new cases reported under the United States employees' compensation act in 1930—a 33½ per cent increase in five years.

The estimated expenditures under this act and the administration of the other two acts for 1932 are $4,735,000 plus $63,000 carried in the District bill.

Under the longshoremen's act 39,849 injuries were reported last year.

Under the District of Columbia workmen's compensation act 18,499 injuries were reported in 1930.

COMMISSION OF FINE ARTS

The membership of the commission consists of Charles Moore, chairman; Benjamin W. Morris, architect, vice chairman; Ferruccio Vitale, landscape architect; Ezra Winter, painter; John W. Cross, architect; Adolph A. Weinman, sculptor; John L. Mauran, architect.

The members are appointed by the President. They serve without compensation, and from the creation of the commission by Congress the artist members have been drawn from the representative men of their several professions—all men of high training, broad experience, and successful achievement, and all devoted to the progressive development of the National Capital along finest lines.

The commission passes on the exterior design and construction of private and semipublic buildings in certain areas in the National Capital.

The Secretary of the Treasury consults the Commission of Fine Arts regularly in the development of plans. The commission also advises the Architect of the Capitol as to plans submitted by him for the enlargement of the Capitol Grounds, development of the Union Station Plaza, plans for the United States Supreme Court Building, the new House Office Building, and new buildings for the Library of Congress.

The commission has approved more than 75 specific designs during the past year.

Mr. STAFFORD. Will the gentleman yield as to the work of the Fine Arts Commission?

Mr. SUMMERS of Washington. I yield.

Mr. STAFFORD. I wish to direct an inquiry particularly as to the scope of their work in connection with the changing of the topography of the plaza. From my casual observation I have noticed that there is a considerable projection on the plaza property which interferes with the full view of the post office and of the Union Station from the Peace Monument.

Mr. SUMMERS of Washington. Does the gentleman mean from the Peace Monument?

Mr. STAFFORD. From the Peace Monument. There is an obstruction to the casual eye of 10 feet on the grounds that were formerly occupied by the Housing Corporation for the clerks of the District.

On Saturday last I dropped into the office of the Architect of the Capitol, Mr. Lynn, to talk with him about the matter, but he was away from his office on other business. I was told that that question had been called to the attention of the Architect of the Capitol by Senator JONES, of Washington, but nothing had been done. I understand they are planning to have an underground garage in front of the Senate office building. I never heard of any such proposal before, but my inquiry is directed as to whether the Fine Arts Commission passes upon the question of the topography, to see whether it should be coordinated with the existing Capitol Grounds and the Union Station.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. SUMMERS of Washington. Mr. Chairman, I yield myself additional time.

I am glad the gentleman asked that question. The Fine Arts Commission undoubtedly has passed on these plans. I should also like to say that I have observed that the elevation of these newly graded grounds is going to interfere with a full and complete view of the Capitol, as viewed from the Union Station. The Fine Arts Commission is made up of some of the most talented men in the United States, who are giving their time to this work, and if this has been approved by the Fine Arts Commission I doubt whether they have been correctly advised in regard to this matter, if one with my undeveloped artistic temperament may with propriety question their judgment.

Mr. STAFFORD. If we are going to erect an underground garage for the benefit of the Senate, well and good, but it should be erected after these 10 feet of earth which obstruct the view have been removed. I can not conceive that the Fine Arts Commission was called upon to consider the question of eliminating that mound of earth on the square immediately west of the Senate Office Building.

CIVIL SERVICE COMMISSION

Mr. SUMMERS of Washington. The total personnel of the Civil Service Commission is 657. Their operating expense for 1932 will be approximately $1,644,542.

There were 608,915 persons in the classified civil service of the Federal Government June 30, 1930.

The commission received 1,665,209 communications during 1930 and examined 287,357 new applicants.

The following table gives much additional information:

*Number of officers and employees in each branch of the Federal executive civil service June 30, 1930*

| Department or office | June 30, 1930 | | | | | | |
|---|---|---|---|---|---|---|---|
| | In District of Columbia | | | Outside District of Columbia | | | Total |
| | Men | Women | Total | Men | Women | Total | |
| The White House | 41 | 4 | 45 | | | | 45 |
| State | 377 | 337 | 714 | 2,906 | 1,071 | 3,977 | 4,691 |
| Treasury | 5,588 | 7,848 | 13,436 | 32,461 | 7,003 | 39,464 | 52,900 |
| War | 2,627 | 1,781 | 4,408 | 41,513 | 4,368 | 45,881 | 50,289 |
| Justice | 644 | 278 | 922 | 2,827 | 1,051 | 3,878 | 4,800 |
| Post Office | 3,227 | 848 | 4,075 | 285,696 | 27,224 | 312,920 | 316,995 |
| Navy | 5,725 | 1,202 | 6,927 | 38,459 | 2,310 | 40,762 | 47,696 |
| Interior | 2,290 | 1,316 | 3,606 | 12,655 | 2,312 | 14,697 | 18,573 |
| Agriculture | 3,046 | 2,209 | 5,255 | 17,512 | 2,969 | 20,481 | 25,736 |
| Commerce | 4,831 | 4,587 | 9,418 | 14,172 | 3,365 | 17,537 | 26,955 |
| Labor | 411 | 363 | 774 | 3,358 | 808 | 4,166 | 4,940 |
| Government Printing Office | 3,491 | 928 | 4,419 | | | | 4,419 |
| Smithsonian Institution | 402 | 148 | 550 | | | | 550 |
| Interstate Commerce Commission | 1,162 | 369 | 1,531 | 690 | 31 | 721 | 2,252 |
| Civil Service Commission | 151 | 244 | 395 | 88 | 78 | 166 | 561 |
| Bureau of Efficiency | 33 | 13 | 46 | | | | 46 |
| Federal Trade Commission | 282 | 129 | 411 | 30 | 9 | 39 | 450 |
| Shipping Board | 422 | 300 | 722 | 384 | 129 | 513 | 1,235 |
| Alien Property Custodian | 95 | 85 | 180 | | | | 180 |
| Tariff Commission | 124 | 86 | 210 | 8 | 2 | 10 | 220 |
| Employees' Compensation Commission | 40 | 78 | 118 | 23 | 38 | 61 | 179 |
| Federal Board for Vocational Education | 42 | 45 | 87 | | | | 87 |
| Panama Canal | 64 | 14 | 78 | 14,049 | 572 | 14,621 | 14,699 |
| Public Buildings, Parks, National Capital | 2,028 | 625 | 2,653 | | | | 2,653 |
| General Accounting Office | 1,226 | 744 | 1,970 | | | | 1,970 |
| Veterans' Bureau | 1,565 | 3,190 | 4,755 | 12,636 | 7,328 | 19,964 | 24,719 |
| Railroad Administration | 10 | 5 | 15 | | | | 15 |
| Commission of Fine Arts | 2 | | 2 | | | | 2 |
| War Finance Corporation | 10 | 3 | 13 | | | | 13 |
| National Advisory Committee for Aeronautics | 20 | 20 | 40 | 198 | 16 | 214 | 254 |
| Federal Reserve Board | 89 | 98 | 187 | 18 | | 18 | 205 |
| Board of Tax Appeals | 66 | 84 | 150 | | | | 150 |
| Board of Mediation | 20 | 8 | 28 | | | | 28 |
| Federal Power Commission | 25 | 11 | 36 | 2 | | 2 | 38 |
| Federal Radio Commission | 39 | 58 | 97 | | | | 97 |
| American Battle Monuments Commission | 5 | 4 | 9 | 25 | 8 | 33 | 42 |
| Federal Farm Board | 128 | 100 | 228 | 1 | 2 | 3 | 231 |
| Total | 40,348 | 28,162 | 68,510 | 479,711 | 60,694 | 540,405 | 608,915 |

PERSONNEL CLASSIFICATION BOARD

The staff of the Personnel Classification Board has been built up during the past six years from details or borrowed help from the departments.

Under the act of July 3, 1930, a new organization largely of the former detail has been organized.

Besides classifying Federal employees, the board has made a nation-wide comparative study of Government salaries with non-Government salaries. Their conclusions are that Government employees who receive salaries up to $2,000 or $2,500 are better paid than non-Government employees, on the average, doing similar work and that Government employees in the higher pay brackets are receiving less than non-Government employees for similar work.

Mr. McReynolds, director of classification, makes this statement:

We are maintaining currently a survey of comparable salaries in non-Government employment.

COMPARATIVE STUDY OF GOVERNMENT SALARIES WITH NONGOVERNMENT SALARIES

We had $75,000 for such a survey. We spent that $75,000 in making a survey of salaries in non-Government employment over the country. We made very satisfactory contracts with the larger employers outside of the Government service. There is considerable interest shown on their part, and certainly there will be a continuing interest on the part of Congress in maintaining currently information as to the relationship between the rates of pay actually given for the principal lines of employment in the Government service and rates for similar employment on the outside.

We get the information by sending out questionnaires at a very slight expense at the present time, but it will doubtless become necessary from time to time to go out and work directly with the personnel managers for some of the larger concerns to be sure that we are getting accurate, understandable information in statistical work of that sort.

Our preliminary report on the field survey, House Document 602, contains quite detailed statistical data with respect to the original information gathered on that subject, the salary rates paid for the various types of work carried in the grades in the classification act.

In other words, we have gotten the information on the initial survey by direct contact with these people, practically grading the positions in commercial establishments, non-Government establishments, for comparative purposes. We got the data with respect to the rates they paid and various other factors which were involved.

In clerical employments, from the bottom up, in the first three or four grades the Government rate is measurably higher than the outside rate.

Grade 1 employees, the simpler class, the lowest clerical grade in the Government service, which begins at $1,260 and goes to $1,620, the Government rate is pretty close to $350 a year higher than the average outside rate, and we had records of about 300,000 outside employees spread over the several States, in those lower grades.

As we get up to grade 2 employees, the difference is cut down to about $220 higher in the Government service than the average outside.

Grade 3 comes down to about $150 difference. In grade 4 the commercial rate and the Government rate is pretty close together. The average is about the same.

As we go to the higher grades, the non-Government rate is higher than the Government rate.

UNITED STATES TARIFF COMMISSION

This commission was created by act of Congress in 1916. Additional duties were imposed by the tariff laws of 1922 and 1930.

The hearings before our committee are illuminating.

ORGANIZATION AND WORK OF DIVISIONS

The work of the Tariff Commission divides naturally into two markedly distinct divisions. The first of these is concerned with operations under its general powers. The second consists of those activities which arise under the special provisions of sections 336, 337, and 338 of the tariff act of 1930. While the duties of the Tariff Commission are essentially those of a fact-finding body they involve the consideration and analysis of many economic factors which enter into a clear interpretation of the data brought together in the investigation of the tariff problems of an industry.

In view of the close relationship of the work of the commission to that of the Congress and of the President, in the enactment and administration of tariff legislation, the commission has organized its staff into divisions corresponding to the several schedules of the tariff, with such additional divisions as are required for collateral activities and for purposes of coordination. Under this plan of organization there have been developed, as the work of the commission has required, the administrative division, the economics division, the legal division, the office of the chief investigator, the division of international relations, the accounting division, the statistical division, the transportation division, eight commodity divisions covering the tariff schedules, the personnel division, and the library.

The administrative division handles all questions relating to finances, appropriations, records, supplies, services, office management, general correspondence, publications, and other subjects involved in the business operations of the commission.

The commodity divisions as originally organized were engaged in assembling and analyzing information pertinent to the tariff problems and relationships of the articles, almost countless in numbers, embraced in the schedules respectively assigned to those divisions. This work resulted in the preparation of many hundreds of Tariff Information Surveys and many more special reports on industries and on tariff history and development. This branch of the commission's work has been continued as consistently as the pressure of other work has permitted in view of other limitations by which the commission has been confronted. Among the special reports which have been produced, in addition to the Tariff Information Surveys, are the Summary of Tariff Information; the Census of Dyes and Other Synthetic Organic Chemicals, which has been prepared annually since 1917, and is used by the chemical industry as a standard text; the Handbook of Commercial Treaties, including a digest of all existing commercial treaties of the world; the Dictionary of Tariff Information; Reciprocity and Commercial Treaties; Colonial Tariff Policies; Agricultural Staples and the Tariff; and numerous others.

The economics division, the division of international relations, the legal division, the accounting division, the statistical division, and the transportation division cooperate in their respective fields with the commodity divisions in gathering, analyzing, and assembling in effective form the information which is prepared for the use of the Congress in the consideration of tariff legislation and for the assistance of the President in the administration of the custom laws.

The work of the staff is supervised by the commission. All investigations are instituted by direct orders of the commission, which also approves before their execution all plans for investigations and for field work as well as all questionnaires and schedules to be used in obtaining required information. All reports are prepared by the commission upon the data produced before it as the results of the combined work of the staff divisions and of public hearings and conferences with parties interested in the subject matter.

Since the appointment of the new commission 38 separate investigations have been instituted under the provisions of section 336 of the tariff act of 1930. Of this number 35 were undertaken in response to Senate resolutions and 3 in response to applications by parties interested.

The personnel of the commission and its staff in the District of Columbia and in the field service numbers 260 persons, of whom about one-half are technical experts, including those who are engaged in the study of numerous industries which create the commerce of the United States and are under constant examination and study by the commission. This force must be increased if the work in prospect for the commission is to be carried on with a reasonable degree of promptness.

PUBLISHED REPORTS OF COMMISSION

Attention has heretofore been called to the fact that while the actual increase in customs revenue realized by the Government through the work of the commission has reached substantial sums, the most valuable service of the commission has been in a form less tangible but not less important. The commission has assembled, analyzed, put into available and accessible form for the use of the Congress, the President, the Department of State, the Treasury Department, the Department of Commerce, and other Government establishments, and of the industries and students of the country, information that could not possibly have been obtained through any other existing instrumentality. This material has been welcomed by serious students in all walks of life as of inestimable assistance in tracing out the economic changes and influences affecting the industries of the country and its international trade relationships.

In this connection it may be interesting and pertinent to note that during the past three years more than 54,000 copies of the commission's published reports have been sent to persons interested in the commission's work and that most of these have been sent in response to personal requests. The Superintendent of Documents reports that in the fiscal year 1929 he sold for cash more than 4,400 copies of reports by the commission.

Under the flexible provision of the 1922 law 37 investigations were completed as a result of which the tariff was increased in 33 instances and decreased in 4. In 13 completed investigations no change in the tariff was made.

Thirty-nine investigations have been instituted under the 1930 Hawley-Smoot Act. Thirty-six of these were undertaken in response to Senate resolutions.

The Tariff Commission in 1932 will have a personnel of 317 people and an appropriation of $1,040,000.

In response to the request of the gentleman from Montana [Mr. LEAVITT] I am inserting tables showing progress under the flexible tariff provision.

*List of subjects upon which investigations were completed by the Tariff Commission and with respect to which the President proclaimed changes in duties, under the provisions of section 315 of the tariff act of 1922*

| Article | Change in duty | Date of proclamation | Effective date of change |
|---|---|---|---|
| Wheat | Increased from 30 to 42 cents per bushel—60 pounds | Mar. 7, 1924 | Apr. 6, 1924 |
| Flour, semolina, etc | Increased from 78 cents to $1.04 per 100 pounds | | |
| Mill feeds, bran, etc | Decreased from 15 to 7½ per cent ad valorem | | |
| Sodium nitrite | Increased from 3 to 4½ cents per pound | May 6, 1924 | June 5, 1924 |
| Barium dioxide | Increased from 4 to 6 cents per pound | May 19, 1924 | June 18, 1924 |
| Diethylbarbituric acid (veronal) | Increased—duty (25 per cent ad valorem) transferred to American selling price | Nov. 14, 1924 | Nov. 29, 1924 |
| Oxalic acid | Increased from 4 to 6 cents per pound | Dec. 29, 1924 | Jan. 28, 1925 |
| Potassium chlorate | Increased from 1½ to 2¼ cents per pound | Apr. 11, 1925 | May 11, 1925 |
| Bob-white quail | Decreased from 50 to 25 cents each (valued at $5 or less each) | Oct. 3, 1925 | Nov. 2, 1925 |
| Taximeters | Increased from $3 each plus 45 per cent ad valorem on foreign value, to $3 each plus 27.1 per cent on American selling price. | Dec. 12, 1925 | Dec. 27, 1925 |
| Men's sewed straw hats | Increased from 60 per cent ad valorem to 88 per cent ad valorem on hats valued at $9.50 or less per dozen. | Feb. 12, 1926 | Mar. 14, 1926 |
| Butter | Increased from 8 to 12 cents per pound | Mar. 6, 1926 | Apr. 5, 1926 |
| Print rollers | Increased from 60 per cent ad valorem to 72 per cent ad valorem | June 21, 1926 | July 21, 1926 |
| Paintbrush handles | Decreased from 33⅓ per cent ad valorem to 16⅔ per cent ad valorem | Oct. 14, 1926 | Nov. 13, 1926 |
| Methanol (methyl or wood alcohol) | Increased from 12 to 18 cents a gallon | Nov. 27, 1926 | Dec. 27, 1926 |
| Gold leaf | Increased from 55 to 82½ cents per 100 on leaves not exceeding in size 3⅜ by 3⅜ inches and on larger leaves in proportion. | Feb. 23, 1927 | Mar. 25, 1927 |
| Pig iron | Increased from 75 cents to $1.12½ per ton | do | Do. |
| Emmenthaler type Swiss cheese | Increased from 5 cents per pound, but not less than 25 per cent ad valorem, to 7½ cents per pound, but not less than 37½ per cent ad valorem. | June 8, 1927 | July 8, 1927 |
| Cresylic acid | Decreased from 40 per cent ad valorem and 7 cents per pound based on American selling price to 20 per cent ad valorem and 3½ cents per pound based on American selling price. | July 20, 1927 | Aug. 19, 1927 |
| Phenol | do | Oct. 31, 1927 | Nov. 30, 1927 |
| Crude magnesite | Increased from 5/16 of 1 cent per pound to 15/32 of 1 cent per pound | Nov. 10, 1927 | Dec. 10, 1927 |
| Caustic calcined magnesite | Increased from 5/8 of 1 cent per pound to 15/16 of 1 cent per pound | | |
| Cherries, sulphured or in brine, stemmed or pitted. | Increased from 2 to 3 cents per pound | Dec. 3, 1927 | Jan. 2, 1928 |
| Rag rugs, cotton (hit-and-miss type) | Increased—duty (35 per cent ad valorem) transferred to American selling price | Feb. 13, 1928 | Feb. 28, 1928 |
| Barium carbonate, precipitated | Increased from 1 to 1½ cents per pound | Mar. 26, 1928 | Apr. 25, 1928 |
| Sodium silicofluoride | Increased—duty (25 per cent ad valorem) transferred to American selling price | Aug. 31, 1928 | Sept. 15, 1928 |
| Fluorspar | Increased from $5.60 per ton to $8.40 per ton on fluorspar containing not more than 93 per cent of calcium fluoride. | Oct. 17, 1928 | Nov. 16, 1928 |
| Potassium permanganate | Increased from 4 to 6 cents per pound | Nov. 16, 1928 | Dec. 16, 1928 |
| Onions | Increased from 1 to 1½ cents per pound | Dec. 22, 1928 | Jan. 21, 1929 |
| Cast polished plate glass, finished or unfinished, and unsilvered. | Increased from 12½ to 16 cents per square foot on sizes not exceeding 384 square inches; 15 to 19 cents per square foot on sizes above 384 square inches and not exceeding 720 square inches; 17½ to 22 cents per square foot on sizes above 720 square inches. | Jan. 17, 1929 | Feb. 16, 1929 |
| Peanuts, not shelled and shelled | Increased from 3 to 4¼ cents per pound on peanuts, not shelled; 4 to 6 cents per pound on peanuts, shelled. | Jan. 19, 1929 | Feb. 18, 1929 |
| Whole eggs, egg yolk, and egg albumen, frozen or otherwise prepared or preserved, and not specially provided for. | Increased from 6 to 7½ cents per pound | Feb. 20, 1929 | Mar. 22, 1929 |
| Flaxseed | Increased from 40 to 56 cents per bushel of 56 pounds | May 14, 1929 | June 13, 1929 |
| Milk, fresh | Increased from 2½ to 3¾ cents per gallon | do | Do. |
| Cream | Increased from 20 to 30 cents per gallon | | |
| Window glass (cylinder, crown, and sheet glass, unpolished). | Increased from 1¼ to 1⅞ cents per pound on sizes not exceeding 150 square inches; 1⅜ to 2 1/16 cents per pound on sizes above 150 square inches, not exceeding 384 square inches; 1⅝ to 2 7/16 cents per pound on sizes above 384 square inches, not exceeding 720 square inches; 1¾ to 2⅝ cents per pound on sizes above 720 square inches, not exceeding 864 square inches; 2 to 3 cents per pound on sizes above 864 square inches, not exceeding 1,200 square inches; 2¼ to 3⅜ cents per pound on sizes above 1,200 square inches, not exceeding 2,400 square inches; 2½ to 3¾ cents per pound on sizes above 2,400 square inches. | do | Do. |
| Linseed or flaxseed oil | Increased from 3.3 to 3.7 cents per pound | June 25, 1929 | July 25, 1929 |

LIST OF SUBJECTS UPON WHICH INVESTIGATIONS WERE COMPLETED BY THE TARIFF COMMISSION AND REPORTED TO THE PRESIDENT UNDER THE PROVISIONS OF SECTION 315 OF THE TARIFF ACT OF 1922 WITH RESPECT TO WHICH NO CHANGES IN DUTIES HAVE BEEN PROCLAIMED

Casein: The report stated that the commission was not able, with the data available, to make definite findings.

Wall pockets: The report stated that the commission was not able, with the data available, to make definite findings.

Sugar: On June 15, 1925, the President stated that after full consideration of the facts shown in reports of the members of the Tariff Commission he did not find that differences in costs of production were sufficiently established under present conditions to warrant any change from the present duty.

Cotton warp-knit fabrics and gloves of cotton warp-knit fabric: On October 3, 1925, the President stated that under the circumstances applying to the industry he did not feel warranted at that time in increasing the duty.

Cotton hosiery: Report submitted to the President on December 22, 1926.

Halibut: Report submitted to the President on November 2, 1925.

Logs of fir, spruce, cedar, or western hemlock: Report submitted to the President on March 14, 1928.

Maple sugar and maple sirup: Report submitted to the President on April 23, 1928.

Granite: Report submitted to the President on June 23, 1928.

Oriental rugs: Investigation discontinued on July 30, 1928, after investigation and hearing.

Corn: Report submitted to the President on August 17, 1929.

Canned tomatoes and tomato paste: Report submitted to the President on May 27, 1929.

Whiting and precipitated chalk: Report submitted to the President on May 14, 1929.

INVESTIGATIONS INSTITUTED BY TARIFF COMMISSION UNDER TARIFF ACT OF 1930

Investigations have been instituted by the Tariff Commission in accordance with special provisions in the tariff act of 1930.

Section 332 (f) provides for an investigation with respect to—

"Petroleum: To ascertain the approximate average cost per barrel to the oil refineries located on the Atlantic seaboard of crude petroleum delivered to them from the oil fields of the United States during the three years preceding 1930, and the present approximate average cost per barrel of crude petroleum from Lake Maracaibo, Venezuela, delivered to the same points."

Section 340 provides for an investigation with respect to—

"Conversions of rates: To ascertain with respect to each of the ad valorem rates of duty, and each of the rates of duty regulated by the value of the article, specified in the tariff act of 1930, an ad valorem rate (or a rate regulated by the value of the article, as the case may be) which, if applied upon the basis of domestic value, would have resulted as nearly as possible in the imposition during the period from July 1, 1927, to June 30, 1929, both dates inclusive, of amounts of duty neither greater nor less than would have been collectible at the rate specified in the tariff act of 1930, applied upon the basis of value defined in section 402 of the tariff act of 1922."

The Tariff Commission has instituted investigations under the provisions of section 336 of the tariff act of 1930, in accordance with Senate resolutions, investigation with respect to the following items:

Boots and shoes, wholly or in chief value of leather, not specially provided for (par. 1530–e), ordered on June 20 and July 11, 1930. (S. Res. 295 and 313, 71st Cong., 2d sess.)

Furniture, wholly or party finished, and parts thereof, wholly or in chief value of wood, and not specially provided for (par. 412), ordered on June 20, 1930. (S. Res. 295, 71st Cong., 2d sess.)

Bells, chimes, and carillons, finished or unfinished, and parts of the foregoing (pars. 364, 397, 1541), ordered on June 20, 1930. (S. Res. 295, 71st Cong., 2d sess.)

Woven-wire fencing and wire netting, all of the foregoing composed of wire smaller than eight one-hundredths and not smaller than three one-hundredths of 1 inch in diameter (par. 397), ordered on June 20, 1930. (S. Res. 295, 71st Cong., 2d sess.)

Roman, Portland, and other hydraulic cement or cement clinker (par. 205–b), ordered on June 20, 1930. (S. Res. 295, 71st Cong., 2d sess.)

Shovels, spades, scoops, forks, hoes, rakes, scythes, sickles, grass hooks, corn knives, and drainage tools, all the foregoing if agricultural hand tools, and parts thereof, composed wholly or in chief value of metal, whether partly or wholly manufactured (par. 373), ordered on June 20, 1930. (S. Res. 295, 71st Cong., 2d sess.)

Shoe lacings (par. 912), ordered on July 3, 1930. (S. Res. 308, 71st Cong., 2d sess.)

Ultramarine blue, dry, in pulp, or ground in or mixed with oil or water, wash and all other blues containing ultramarine (par. 68), ordered July 3, 1930. (S. Res. 309, 71st Cong., 2d sess.)

Umbrellas, parasols, and sunshades, and parts thereof (pars. 1554, 342, and others), ordered July 3, 1930. (S. Res. 309 and 312, 71st Cong., 2d sess.)

Iron in pigs and iron kentledge (par. 301), ordered July 3, 1930. (S. Res. 309, 71st Cong., 2d sess.)

Laces, lace fabrics, and lace articles, produced wholly or in part on the Levers or Levers-go-through lace machine, the bobbinet machine, or the lace-braiding machine (par. 1529-a), ordered on July 3, 1930. (S. Res. 311, 71st Cong., 2d sess.)

Wood flour (par. 412), ordered on July 11, 1930. (S. Res. 313, 71st Cong., 2d sess.)

Pipe organs, and parts thereof (par. 1541-a), ordered on July 11, 1930. (S. Res. 313, 71st Cong., 2d sess.)

Pipes, pipe bowls, cigar and cigarette holders, and mouthpieces, finished or unfinished (par. 1552), ordered on July 11, 1930. (S. Res. 313, 71st Cong., 2d sess.)

Leather of reptile hides or skins, for shoe purposes (par. 1530-c-d), ordered on July 11, 1930. (S. Res. 313, 71st Cong., 2d sess.)

Pigskin leather (par. 1530-c-d), ordered on July 11, 1930. (S. Res. 313, 71st Cong., 2d sess.)

Bodies, hoods, forms, and shapes, for hats, bonnets, caps, berets, and similar articles, manufactured wholly or in part of wool felt, and hats, bonnets, caps, berets, and similar articles, made wholly or in part therefrom, finished or unfinished (par. 1115-b), ordered on July 11, 1930. (S. Res. 313, 71st Cong., 2d sess.)

Floor coverings, wholly or in chief value of wool, not specially provided for (par. 1117-c), ordered on July 11, 1930. (S. Res. 313, 71st Cong., 2d sess.)

Lumber and timber, or fir, spruce, pine, hemlock, or larch (par. 401), ordered on July 11 and 22, 1930. (S. Res. 313 and 321, 71st Cong., 2d sess.)

Cylinder, crown, and sheet glass, by whatever process made, and for whatever purpose used (par. 219), ordered on July 11, 1930. (S. Res. 313, 71st Cong., 2d sess.)

Hats, bonnets, and hoods, composed wholly or in chief value of straw, chip, paper, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, ramie, or manila hemp, whether wholly or partly manufactured (par. 1504-b), ordered on July 11, 1930. (S. Res. 313, 71st Cong., 2d sess.)

Fourdrinier wires and cylinder wires, suitable for use in paper-making machines (whether or not parts of or fitted or attached to such machines), and woven-wire cloth suitable for use in the manufacture of Fourdrinier wires or cylinder wires (par. 318), ordered on July 11, 1930. (S. Res. 313, 71st Cong., 2d sess.)

Maple sugar and maple sirup (par. 503), ordered on July 11, 1930. (S. Res. 313, 71st Cong., 2d sess.)

Hides and skins of cattle of the bovine species, raw or uncured, or dried, salted, or pickled (par. 1530-a), ordered on July 11, 1930. (S. Res. 313, 71st Cong., 2d sess.)

Olive oil (par. 53), ordered on July 22, 1930. (S. Res. 324, 71st Cong., 2d sess.)

Cheese, except of American, or Cheddar and Swiss, or Emmenthaler types (par. 710), ordered on July 22, 1930. (S. Res. 324, 71st Cong., 2d sess.)

Cherries, sulphured, or in brine (par. 737 (3)), ordered on July 22, 1930. (S. Res. 324, 71st Cong., 2d sess.)

Tomatoes prepared or preserved in any manner (par. 772), ordered on July 22, 1930. (S. Res. 324, 71st Cong., 2d sess.)

Sugar candy and all confectionery not specially provided for, and chocolate, sweetened, in any other form than in bars or blocks weighing 10 pounds or more each, whether prepared or not prepared (pars. 506, 777-b), ordered on July 22, 1930. (S. Res. 324, 71st Cong., 2d sess.)

Laminated products of which a synthetic resin or resinlike substance is the chief binding agent, in sheets or plates (par. 1539-b), ordered on July 22, 1930. (S. Res. 324, 71st Cong., 2d sess.)

Infants' wear, knit or crocheted, finished or unfinished, wholly or in chief value of wool (par. 1114-d), ordered on July 22, 1930. (S. Res. 325, 71st Cong., 2d sess.)

Matches, match splints, and skillets for match boxes (par. 1516), ordered on July 22, 1930. (S. Res. 325, 71st Cong., 2d sess.)

Cigarette books, cigarette-book covers, and cigarette papers in all forms, except cork paper (par. 1552), ordered on July 22, 1930. (S. Res. 325, 71st Cong., 2d sess.)

Sugars, including the sugar content of mixtures containing sugar and water, testing by the polariscope above 96 sugar degrees (par. 501), ordered on July 3 and July 22, 1930. (S. Res. 309 and 325, 71st Cong., 2d sess.)

Table and kitchen articles and utensils, wholly or in chief value of glass, blown or partly blown, regardless of composition, description, or further treatment (par. 218-f), ordered on July 22, 1930. (S. Res. 330, 71st Cong., 2d sess.)

Steel pens (par. 351), ordered on December 19, 1930. (S. Res. 360, 71st Cong., 3d sess.)

The following investigations have been instituted, under the general powers of the Tariff Commission (sec. 322 (g) of the tariff act of 1930), in accordance with Senate resolutions:

Fish and other marine products: To ascertain entries of fish and other marine products into the United States from the high seas in vessels owned, chartered, leased, or rented, wholly or in part, by aliens, whether or not such aliens are domiciled in the United States. (S. Res. 314, dated July 3, 1930.)

Certain vegetable and animal oils: To ascertain the costs of production and of transportation to the principal consuming markets of the United States of coconut oil and copra from the Philippine Islands, and other principal producing regions, palm oil, palm-kernel oil, whale oil, rapeseed oil, perilla oil, and sesame oil; and of the principal uses of these oils in the United States and of the kinds and amounts of domestic oils and fats replaced in domestic industry by such imports. (S. Res. 323, dated July 16, 1930.)

The Tariff Commission has instituted investigations in accordance with requests from the Committee on Ways and Means with respect to—

The class of labor employed in production of certain industries in Russia.

FEDERAL BOARD FOR VOCATIONAL EDUCATION

*Federal and State administrative agencies*

The Federal administrative agency created by the national vocational education act is the Federal Board for Vocational Education. This board consists of 7 members, 4 ex officio and 3 appointed by the President. They are the Secretary of Labor, the Secretary of Commerce, the Secretary of Agriculture, the Commissioner of Education, and three citizens who represent, respectively, the manufacturing and commercial, the agricultural, and the labor interests of the Nation.

The State administrative agency provided in the act is a State board for vocational education, designated or created by the legislative authority of the State, and consisting of not less than three members and having all necessary powers to cooperate with the Federal Board for Vocational Education in the administration of the provisions of the vocational education act.

The national vocational education act of 1917 provides funds for the specific purpose of cooperating with the States in the promotion of agricultural education, in the promotion of trade, home economics, and industrial education; for the preparation of teachers of agricultural, trade and industrial, and home economics subjects; and for the Federal administration of the act.

*Basis of allotment to States under the act of 1917*

Cooperative vocational education funds are allotted to the States on the basis of relative population. Specifically, the funds appropriated under the act of February 23, 1917, are allotted to the States for agricultural education in the proportion which their rural population bears to the total rural population of the United States; the funds provided in this act for trade, home economics, and industrial education are allotted to the States in the proportion which their urban population bears to the total urban population of the United States; and the funds allotted to the States for the training of teachers in the proportion which their total population bears to the total population of the United States.

*Federal board does not operate schools*

The act provides for a cooperative program in vocational education in which the Federal Government cooperates with the State governments. The Federal board does not organize any schools or classes. All moneys are allotted to the States to be expended by State boards under the provisions of a State plan which is annually submitted to the Federal board for its approval. This plan gives in detail the conditions under which schools will be organized and reimbursements made. With the exception of one or two States, the schools are all organized in local communities under local boards for vocational education.

The ratio of State and local moneys expended for vocational education to Federal moneys so expended has increased from year to year. For the year 1930, $3.04 of State and local money was expended on the average for each $1 of Federal money; that is to say, of a total expenditure of $4.04 only $1 was from Federal funds. Federal funds expended for this same year amounted to $7,404,223.18, while the total of all funds—Federal, State, and local—amounted to $29,909,295.87; the State and local expenditure being $22,505,072.69.

*Progress in vocational education, 1918–1930*

While no authentic information was available, it was estimated that the enrollment in all vocational schools in 1917 did not exceed 25,000. At the end of the fiscal year 1918 the enrollment under the national program was 164,000. By the end of the fiscal year 1929 the total enrollment had passed the million mark and reached 1,047,957 boys and girls and men and women. In 1930 the total enrollment was 1,064,303. Of these 82,654 were in classes not aided by Federal funds.

VOCATIONAL REHABILITATION

In 1920 the Federal Government entered into a partnership with the States for the vocational rehabilitation of the physically disabled.

Disabled persons can not be rehabilitated in groups. Each case presents its own particular problems, and must, therefore, be handled on an individual basis. The States have in their employ about 165 men and women highly trained in this technical form of service.

Experience shows that the work is feasible and practical. It is economically and socially sound. Remunerative employment can be found for every disabled man and woman, provided he or she is given proper training and is placed in a suitable occupation.

Since the inception of the program some 45,000 disabled persons have been rehabilitated and returned to employment. This number does not include many thousands of disabled persons who have been given some type of service other than retraining or placement which has improved or raised their economic status. In no year has the average cost per case exceeded $300. Frequently the total cost of rehabilitation of an individual, including administration, is less than his increased earning capacity in one year. The average life expectancy of those rehabilitated is 20 or more years.

The Federal board employs six technical experts on its staff to carry on this important work, cooperates with State boards in the administration of the act, and carries on studies and investigations which are found necessary to promote great efficiency of the work.

REHABILITATION IN THE DISTRICT OF COLUMBIA

Having observed the beneficent effects of the Federal rehabilitation law of 1920, which had my support at that time, I gladly became the author of the Summers Act in 1929, giving the physically disabled of the District of Columbia the benefits of similar legislation.

Seven hundred cases were recorded during the first year. Among the early rehabilitations were 16 cases that cost only $16.60 each for vocational guidance and placement. The next 77 cases cost about $36.60 per case. The very first case to apply justified the legislation.

From the board's annual report I quote:

*Typical cases*

The following citation of cases will serve to illustrate the character of service being rendered:

E. L. was the first case for whom application was made. Her father came to the office with a story which is not uncommon among the disabled. His daughter, now 18 years old, had been afflicted with infantile paralysis at the age of 5. She had received slight benefit through treatment in a hospital in Montreal, Canada, but both legs and the right arm were still so paralyzed that she was practically a helpless cripple. She had been able to complete only the fourth grade of her education, this principally by home study. She had never succeeded in securing any kind of work to do. The father's story concluded something like this: "I am getting old. I have nothing to leave my daughter. What can she do for self-support when I am gone?"

The Vocational Rehabilitation Service discovered that this girl, in addition to having a good left hand, was endowed with a bright mind and a somewhat artistic inclination. Plans were immediately made with a local photo studio for her to receive training in photograph coloring. After three months' training she was put on an earning basis, and at the end of the fiscal year she was making from $12 to $15 per week by piecework, further advancement depending on experience and acquired speed. Her training cost the Vocational Rehabilitation Service $90.

N. S. R. was reported to the Vocational Rehabilitation Service on November 22, 1929, by the United States Employees' Compensation Commission. On May 6, 1927, this man was injured in a dynamite blast while working on a steam shovel for the Department of the Interior. He was under the care and supervision of doctors until November 19, 1929, when he was discharged as having received maximum medical benefits. As a result of the injury he was left with a permanent disability of both forearms. The United States Employees' Compensation Commission granted him permanent compensation of $14 per week and agreed to allow an additional $10 per week for living maintenance during a period of training necessary to fit the man for a new job.

The Vocational Rehabilitation Service arranged with the District of Columbia Board of Education to have this man trained in one of the school heating plants as a steam engineer. For this training the Board of Education made no charge. Because of his knowledge of steam engines this trainee made rapid progress, and in less than a month took a job as engineer with a construction company at a wage of $35 per week. He later transferred to another company to take care of the engine room on a tramp steamer, in which capacity he is earning $65 per month and living accommodations. While his present income is not as much as it might be on land, he professes a love for the sea and finds another compensation in the fact that it is easier there to save his earnings.

THE BOARD OF MEDIATION

The Board of Mediation was established as an independent agency in the executive branch of the Government by the provisions of the railway labor act approved May 20, 1926. That the board has functioned more satisfactorily than we who supported the legislation could anticipate is revealed by a brief summary of results.

The Board of Mediation began to function in a practical way early in August, 1926. At that time industrial relations of interstate commerce carriers (the only ones provided for in the railway labor act) and their employees were confused and more or less strained.

Each element, as a whole, entertained almost to a controlling extent doubt or suspicion, or both, in respect of the bona fides of the other.

Such considerations have almost disappeared and a general and proper appreciation of reasonable attitude, one side in respect of the other, is in evidence—a highly desirable state of affairs.

Discussions are now carried on and conclusions are reached, based on the merits of questions under consideration, in a temperate and businesslike way.

The public, for which the railway labor act was primarily passed by Congress, has been the special beneficiary of the application of and the splendid results obtained from this law.

No disturbing situations involving carriers and employees now exist in railroad industry.

*Items of interest*

During the year an interpretation of a mediation agreement was made by the Board of Mediation for the first time.

There were fewer arbitrations during the past year than in any previous year.

A strike took place on the Toledo, Peoria & Western Railroad at Peoria, Ill., in November, 1929, after a failure to submit questions to arbitration as was advised by the Board of Mediation. The interested parties, however, settled their differences through direct negotiations in June, 1930. This strike did not interrupt interstate commerce.

*Arbitration and emergency board*

Arbitration has been successfully held during the year, but no emergency board has been created, nor has there appeared need for any.

*The work of the board*

Of the total of 540 cases involving rates of pay, rules, and working conditions submitted to our board, 450 had been disposed of by June 30, 1930; 65 of these were acted upon during the fiscal year covered by this report. Of these 65 cases, 25 were settled through mediation, 7 were submitted to arbitration, 18 were withdrawn through mediation, 2 were withdrawn without mediation consideration, and 13 were retired without mediation proceedings by action of the board. At the end of the year three of the seven cases submitted to arbitration during the year July 1, 1929, to July 1, 1930, had been concluded. In the remaining four cases the interested parties had not met in an effort to agree upon the appointment of the remaining arbitrator or arbitrators.

During the fiscal year ended June 30, 1930, the board received 222 applications for its services in the adjustment of grievances which had not been decided by an appropriate adjustment board by which they had been considered. This made a total of 291 such cases received by the board since its creation.

Of the 291 grievance cases herein referred to as having been submitted to the board, 120 had been disposed of during the year covered by this report, 9 of the 120 were submitted to arbitration involving 2 arbitration proceedings.

Of the remaining cases before the board, 105 had been assigned for mediation and were receiving attention, and for definite and different reasons 21 remained unassigned.

Of the grand total of 831 cases of all character thus far received and accepted for mediation, 615 cases have been disposed of, as follows:

| | |
|---|---|
| By mediation | 278 |
| By arbitration | 67 |
| By withdrawal through mediation | 190 |
| By voluntary withdrawal | 27 |
| By board action | 53 |
| Total | 615 |

Of the 216 unsettled cases, 169 have been assigned for mediation, and practically all of the assigned cases have had the attention of mediators in initial conferences, and so forth. There remains a total of 47 cases unassigned to mediators.

In the reports of 1928 and 1929 statement was made that adjustment boards as contemplated by the railway labor act had not been generally created, but that the condition had been improved by the voluntary action of the parties in interest. There has been a further improvement this year, the records (not complete) indicating that some 50 additional boards of adjustments have been established.

BUREAU OF EFFICIENCY

The Bureau of Efficiency during the past year has studied problems in and given constructive suggestions to the Department of Agriculture, Department of Commerce, Department of the Interior, Department of Justice, Department of State, Treasury Department, Bureau of the Budget, Civil Service Commission, Federal Farm Board, United States Housing Corporation, and the District of Columbia government.

It has also studied the civil-service retirement plan, retirement valuations, duplication of work, Virgin Islands, pay of commissioned personnel, laundry facilities, fire protection, and use of surplus property.

It has 56 employees, and this bill carries $201,470 for its activities for the fiscal year of 1932.

The savings made upon the Bureau of Efficiency recommendations seem to well justify this outlay. This is especially true since the savings will continue into the indefinite future.

PORTO RICAN HURRICANE RELIEF COMMISSION

Under a Porto Rican hurricane-relief authorization passed by the Congress a few years ago we are appropriating $1,000,000 for asphalting Porto Rican roads that were injured by the hurricane.

Gov. Theodore Roosevelt explained to the committee that this would complete the asphalting of all insular or main highways and that a saving of $400,000 annually on upkeep would result from this and a like amount appropriated last year. This saving will enable the rebuilding of schools on the island.

NATIONAL PARK AND PLANNING COMMISSION

The act of Congress of May 29, 1930, authorized a total outlay of $25,000,000 to acquire lands and develop the George Washington Memorial Parkway along both banks of the Potomac River in Maryland, District of Columbia, and Virginia, and extending from Mount Vernon to Great Falls, the entire amount to be repaid by the District of Columbia.

This bill carries $4,000,000 of that amount.

HOUSING CORPORATION

The Housing Corporation is a hang over of Federal housing activities during the World War, when it was thought necessary to provide housing for our employees at navy yards, arsenals, munition plants, and so forth, throughout the United States, and especially here in the National Capital.

These latter so-called Government Hotels have now been razed, and houses in other cities have mostly been sold. Only 1,131 properties are still on hand. The closing out of this activity is being transferred to the Department of Labor, with which it has always been closely related.

GEOGRAPHIC BOARD

The Geographic Board is composed of a chairman and 15 representatives detailed from other departments of the Government, who serve without additional pay.

This board determines the correct names of rivers, mountains, localities, and so forth, in the United States and the world and determines their correct spelling. It is the court of appeals, so to speak—I might say the final arbiter—for these controversial problems. The names and spelling as determined by the board are adopted by all Government agencies, and thus desirable and necessary uniformity is secured.

The board has functioned for 40 years. It has rendered thousands of decisions which are published from time to time. It passed on 1,500 names last year.

This bill carries $10,678 for the board's activities in 1932.

SUPREME COURT BUILDING

Three million seven hundred and fifty thousand dollars is carried in this bill for starting the construction of the Supreme Court Building, for which $9,740,000 was authorized in 1929.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The limited general knowledge of the far-reaching and successful activities of the National Advisory Committee for Aeronautics justifies an extended statement in which I shall avail myself of data furnished us by the committee.

*Functions of the Committee*

The National Advisory Committee for Aeronautics was established by act of Congress approved March 3, 1915. The organic act charged the committee with the supervision and direction of the scientific study of the problems of flight with a view to their practical solution, the determination of problems which should be experimentally attacked, and their investigation and application to practical questions of aeronautics. The act also authorized the committee to direct and conduct research and experimentation in aeronautics in such laboratory or laboratories, in whole or in part, as may be placed under its direction.

*Membership*

The committee has 15 members, who are appointed by the President, and who serve without compensation. The members at present are: Joseph S. Ames, Ph. D., chairman, president of Johns Hopkins University, Baltimore, Md.; David W. Taylor, D. Eng., vice chairman, Washington, D. C.; Charles G. Abbot, Sc. D., Secretary of the Smithsonian Institution; George K. Burgess, Sc. D., Director of the Bureau of Standards; William F. Durand, Ph. D., professor emeritus of mechanical engineering, Stanford University, California; Maj. Gen. James E. Fechet, United States Army, Chief of the Air Corps; Harry F. Guggenheim, M. A., American ambassador to Cuba; William P. MacCracken, jr., Ph. B., Washington, D. C.; Charles F. Marvin, M. E., Chief of the Weather Bureau; Rear Admiral William A. Moffett, United States Navy, Chief of the Bureau of Aeronautics, Navy Department; Brig. Gen. Henry C. Pratt, United States Army, Chief of the Matériel Division, Air Corps; S. W. Stratton, Sc. D., Massachusetts Institute of Technology, Cambridge, Mass.; Capt. John H. Towers, United States Navy, Assistant Chief of the Bureau of Aeronautics, Navy Department; Edward P. Warner, M. S., editor of Aviation; Orville Wright, Sc. D., Dayton, Ohio.

*Subcommittees*

Under the rules and regulations formulated by the committee and approved by the President technical subcommittees have been established whose general duties are to aid in determining the problems in their respective branches of the aeronautical field to be scientifically attacked, bringing to bear the knowledge derived from experimental investigations conducted in all parts of the world, and to endeavor to coordinate the research and experimental work involved in the study of the problems agreed upon. The subcommittees are composed in part of specially appointed representatives of the Army and Navy air organizations, who are in immediate charge of various phases of aeronautical development. Following is a list of the present subcommittees:

Aerodynamics—subcommittee on airships, subcommittee on aeronautical research in universities.

Power plants for aircraft.

Materials for aircraft—subcommittee on metals, subcommittee on woods and glues, subcommittee on coverings, dopes, and protective coatings, subcommittee on aircraft structures.

Problems of air navigation—subcommittee on problems of communication, subcommittee on instruments, subcommittee on meteorological problems.

Aircraft accidents.

Aeronautical inventions and designs.

Publications and intelligence.

Personnel, buildings, and equipment.

Governmental relations.

COMMITTEE SERVES OTHER AGENCIES

By virtue of the character of its membership, including as it does the heads of the Army and Navy air organizations, the committee also serves in an advisory capacity for the determination of questions of general policy in aeronautical matters.

The committee holds itself at the service of any department or agency of the Government interested in aeronautics for the furnishing of information or assistance in regard to scientific or technical matters relating to aeronautics, and in particular for the investigation and study of fundamental problems suggested by the War, Navy, or Commerce Departments with a view to their practical solution.

The committee institutes research, investigation, and study of the problems which, in the judgment of its members or of the members of its various subcommittees, are needful and timely for the advance of the science and art of aeronautics in its various branches.

The committee keeps itself advised of the progress made in research and experimental work in aeronautics in all parts of the world, particularly in England, France, Italy, Germany, and Canada.

The information thus gathered is brought to the attention of the various subcommittees for consideration in connection with the preparation of programs for research and experimental work in this country. This information is also made available promptly to the military and naval air organizations and other branches of the Government, and such as is not confidential is immediately released to university laboratories and aircraft manufacturers interested in the study of specific problems and also to the public.

OFFICE OF AERONAUTICAL INTELLIGENCE

The Office of Aeronautical Intelligence was established in the early part of 1918 as an integral branch of the committee's activities. It serves as the depository and distributing agency of the scientific and technical data on aeronautics collected by the committee from governmental and private agencies in this country and abroad, and maintains an office in Paris to collect and exchange scientific and technical data on aeronautics in France, England, Italy, Germany, and other European countries.

ALLOCATIONS OF INVESTIGATIONS

In the preparation of research programs problems are allocated among the various agencies, governmental and private, that are best equipped to undertake their solution. The investigation of the more fundamental problems, for which adequate facilities are not elsewhere available, is allotted the committee's own laboratory, known as the Langley Memorial Aeronautical Laboratory, located at Langley Field, Va., a section of the field having been set aside by the War Department for the committee's use, coincident with the establishment of Langley Field in 1916.

THE LANGLEY MEMORIAL AERONAUTICAL LABORATORY

During the past year work was begun and substantial progress was made in the construction of the full-scale wind tunnel and of the seaplane channel. The new wind tunnel, when completed, will have an oval-shaped throat 60 by 30 feet, which will permit the testing of full-sized airplanes. It is expected that this tunnel will be in operation during the summer of 1931. It is the pioneer tunnel on such dimensions to be found in all the world.

The new seaplane channel will be 2,050 feet long and it is expected it will be ready for the testing of seaplane floats and flying-boat hulls during the summer of 1931. This is the first equipment of this character that has ever been constructed, and is solely for the purpose of investigating the characteristics of seaplane floats and boats. The great length of the channel is necessary to provide for the high speed which is required for tests of this character.

PROGRESS IN 1930

Aviation has made steady and healthy progress during the year 1930. The industry, handicapped by loss of business, extended its efforts to improve its product to meet more exacting demands of the individual purchaser and of the passenger public. This is evident from the increased demand upon the part of the industry for technical information from the committee. Airplanes are now purchased on the basis of proved performance, not only as to safety but also as to economy in operation. The exacting demands of the private operator and owner have required the best efforts of the aeronautical engineer and of the aircraft designer and the use of the latest information resulting from scientific research.

The outstanding evidence of progress during the past year, according to the National Advisory Committee for Aeronautics, has been the material increase in the operation of commercial aircraft and in the number of types of commercial aircraft developed. Commercial aviation is passing through its third fundamental stage of development and is about to enter upon the fourth stage. The first stage in the development of air transport in this country was the direct operation of the air mail service by the Post Office Department. The second stage was the operation of air mail lines by contracts between the Post Office Department and air transport companies and Federal regulation and assistance under the air commerce act. The third or present stage is the direct encouragement given air-mail contractors to develop and use aircraft suitable for the carrying of passengers as well as mail. This encouragement results from the enactment of the Watres bill during the last session of the Congress. As the fourth stage we may expect to see the carrying of passengers and express become the major portion of the business of the operating air lines and the carrying of air mail becomes subordinate.

A striking demonstration of the practical utility of the airplane for the transportation of passengers in competition with excellent railroad service over a comparatively short distance is furnished by the New York to Washington air line. On this line airplanes leave every hour on the hour during the business day and frequently run double or triple sections. On a number of air lines the passenger rates are approximately equal to the cost of railroad fare plus the Pullman charge. With increased public confidence and support it may be possible in some cases to operate air passenger lines successfully at rates less than the cost of railroad travel plus the Pullman charge. Thus will commercial aviation come to serve in increasing measure the demands of the people for rapid transportation and to find its true place in meeting the transportation needs of the country.

INDUSTRY IN PERIOD OF TRANSITION

The aircraft industry is passing through a severe period of transition, which is witnessing the elimination of many of the weaker companies and the consolidation of others. This was inevitable, even without the spur of a general depression. With mushroom growth halted, there is promise that the overdeveloped industry will emerge from its present condition fortified by a sounder business and economic structure, with a more accurate appreciation of the true field of the airplane, and of its possibilities and limitations.

The airplane has been improved during the past year in speed, safety, comfort, reliability, cruising radius, and economy of maintenance and of operation. This progress has been concurrent with growth in other respects, evidenced by the following comparison of figures obtained from the Department of Commerce as of October 15, 1930, with those obtained as of November 1, 1929:

| | 1929 | 1930 | Per cent increase |
|---|---|---|---|
| Miles of airways | 35,000 | 47,000 | 34 |
| Miles of airways lighted | 12,500 | 14,000 | 12 |
| Airports and landing fields | 1,520 | 1,792 | 18 |
| Scheduled transport service, miles daily | 82,000 | 123,000 | 50 |
| Civilian pilots licensed | 8,900 | 14,900 | 67 |
| Different airplane designs approved | 170 | 379 | 123 |
| Different airplane designs approved, having two or more engines | 12 | 30 | 150 |
| Different aircraft engine designs approved | 32 | 64 | 100 |
| Paid passengers, scheduled air transport—first 6 months of 1929 and of 1930 | 52,473 | 208,375 | 300 |

The increase of 300 per cent in paid passengers is a most notable development for the year 1930, and gives assurance that the airplane is destined to become an important factor in transportation. The increase of 123 per cent in the number of different types of airplanes approved and of 150 per cent in the number of types having two or more engines indicates that aircraft designers are active, that competition is keen, and that the industry as a whole is trying to improve its product. This rapid increase in number of types may be considered a normal and healthy sign at this stage of the development of air transportation, and may be expected to continue until the industry enters the stage of standardization and mass production, is the judgment of the advisory committee.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. WOODRUM. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, in newspapers as in men, we find something good and something bad.

In Hearst's Herald this morning a weak attack on prohibition by a wet politician long shelved and forgotten is carried on the editorial page. As against it I place the policy and legislative program of the National Grange, with its 800,000 farmers as members, to wit:

8. PROHIBITION ENFORCEMENT

We favor the eighteenth amendment and the legislation for its enforcement. Conceding the right to change the fundamental law in the orderly manner prescribed, we condemn as un-American all efforts to evade and nullify the Constitution.

The above is the announced policy and legislative program of the National Grange.

In Hearst's Times this noon there is a splendid, forceful, worthy, and most commendable editorial favoring the payment at once by the Government of the adjusted-compensation certificates to our ex-service men. It is as follows:

A DEBT OF HONOR NOT YET PAID

This country has not yet paid its biggest war debt.

By paying it, a great wrong would be righted, and business would be boomed.

Let us explain what we mean:

By "war debt," we mean the debt of a billion dollars to veterans of the Great War.

By "a great wrong," we mean the stupendous wrong to thousands of ex-soldiers who risked their lives in France, and who are

now unemployed or even starving in the country that sent them to battle.

By "business boom," we mean a real business boom, not imitation prosperity.

The Patman bill for adjusted compensation to veterans, which has been before Congress since May, 1929, would accomplish all this.

It authorizes and directs the Treasury to pay in cash or by check, to any veteran that applies, the full face value of his adjusted-compensation certificate.

These certificates fall due about 1945. The Patman bill would make them due now, for veterans that need the money.

Payment of these certificates now would be a boon to everybody. It would, first of all, help the veterans. It would, secondarily, help storekeepers, merchants, banks, and business of all kinds.

Also, it would be an act of simple justice to those who went to war. That ought to be a more powerful argument than any other, if there is a particle of gratitude left among the people of this country.

The necessity requiring urgent action, the national executive committee of the American Legion met at Indianapolis yesterday, and on the Sabbath Day passed the following resolution:

There is little doubt but that the immediate distribution and circulation of funds accruing and payable 15 years hence from such conversion would at this time materially assist in the relief of present distressful economic conditions and put new life into American business and would, without any doubt whatsoever, bring immediate relief to the hundreds of thousands of veterans and their dependents who are now in sore distress and dire need.

The national executive committee of the American Legion indorses the principle of immediate cash retirement, on application, of the adjusted-service certificates, without choosing as between any of the specific bills now pending before Congress, it being the opinion of the national executive committee that the passage of such legislation would benefit immeasurably not only the veterans themselves but the citizenship of the entire country and would be an appropriate demonstration of the Nation to those who carried its arms in 1917 and 1918.

Our chairman of the Ways and Means Committee [Mr. HAWLEY] can no longer hide behind the flimsy excuse "that the national organization does not demand it," upon which he has been floating on the Mellon tide so long. It behooves him and his steering committee now to right about face and face the current and report this legislation for immediate passage. He must know that the Members of this Congress are going to demand that this just debt be paid before we adjourn March 4.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STAFFORD. Is the gentleman aware of the fact, which was called to our attention earlier in the afternoon, that the Committee on Ways and Means of the House has been convened to take up this proposed legislation on Thursday of this week?

Mr. BLANTON. Yes; I heard that. Why Thursday? That is just three more days nearer adjournment sine die.

Mr. STAFFORD. Oh, the gentleman knows that they are going to take it up and consider it and report to the House.

Mr. BLANTON. Why did they not consider it a month ago? Why has it not been reported already?

Mr. STAFFORD. I am not in the counsels of the Ways and Means Committee.

Mr. BLANTON. The gentleman is one of the leaders on his side.

Mr. STAFFORD. Oh, far be it; I do not even assume to be that. I am not in their confidence.

Mr. BLANTON. The gentleman has quite an influence on both sides of the House.

Mr. STAFFORD. I am very thankful to the gentleman, but I do not exert any influence on the members of the steering committee, but I am hopeful the committee will immediately get to work and bring out some legislation that will meet the situation.

Mr. BLANTON. Why can they not do it now, and with good grace, and not have to be whipped into it by the public sentiment of the country? Why can they not come in here with good grace and pay an honest debt that the country owes our ex-service men?

Mr. STAFFORD. I thought all the members of the Ways and Means Committee were very gracious.

The CHAIRMAN. The time of the genleman from Texas has expired.

Mr. WOODRUM. Mr. Chairman, I yield the gentleman two more minutes.

Mr. BLANTON. Here we are, the Representatives of the 123,000,000 people of the United States, closing the debate on a bill that takes $1,055,358,000 out of the Treasury with 25 men here on the floor. This is the interest shown in routine matters in connection with supply bills and appropriations. The country is interested and the Representatives of this Congress are interested in paying this honest debt to the soldiers. You see every day in the press where post after post is sending its representatives here. Do they have to do this to get their deserts and what the country owes them?

I want to appeal to the chairman of the Committee on Rules [Mr. SNELL], who happens to be present here on the floor at this time, and to the distinguished Speaker of this House, also present, whom we all respect and for whom all of us have the highest regard regardless of politics, I want to appeal to them to see to it that this is done without further delay and with good grace and not that the administration is to be whipped into doing something it ought to do of its own volition. I hope they will take action. Our Democratic leader [Mr. GARNER] is on the floor, even with such a small representation here. He gives his time to this matter and he has introduced a good bill and there is not any excuse on earth that can be offered why his bill should not be passed, and the chairman of the Rules Committee ought to bring in a rule here making the Garner bill in order because it is a bill that everyone agrees upon, and it is a bill in which there is no injustice, but every line of it is just and proper.

Mr. SNELL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SNELL. Will the gentleman tell how the chairman of the Rules Committee can bring in a rule at the present time? Just tell the House how that can be done.

Mr. BLANTON. The distinguished gentleman from Potsdam, N. Y., can do anything on earth he wants to when the Speaker tells him to.

Mr. SNELL. I can not keep the gentleman from talking like the gentleman is talking at the present time. That is one thing the chairman of the Rules Committee can not do.

Mr. BLANTON. The gentleman could have a rule in his hip pocket now, if he wanted to, favorably reporting any measure the Rules Committee agreed upon.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

The Clerk read as follows:

Traveling expenses: For traveling and official entertainment expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $25,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

We are considering the last item on page 2, providing for the expense of traveling and official entertainment of the President of the United States. I recollect that originally when this appropriation was first carried it was limited to traveling expenses. Then later provision was made to have this allowance of $25,000 cover expenses for official entertainment. I was wondering whether the White House acquainted the committee with any figures as to how much was expended for traveling expenses and how much for official entertainment?

Mr. SUMMERS of Washington. There was no detailed information furnished the committee as to that. The item reads the same as it has for a good many years, covering the two items of traveling expenses and official entertainment, but not within my knowledge has the President ever been required to furnish a detailed statement. I believe we all appreciate that the amount expended far exceeds the amount appropriated in the bill.

Mr. STAFFORD. I question that, especially as far as the traveling expenses are concerned. I think the original in-

tention was, when the $25,000 was appropriated for official traveling expenses in going around the country, that that would meet all of the expenses the President would incur during the fiscal year. Then later the President, indirectly it is true, rather in a sub rosa way, suggested that money not extended for traveling expenses should be used for entertainment at general receptions and other official entertainments.

I have been advised that there is no provision made for entertainment at the general receptions as was in vogue during the administration of President Roosevelt and President Taft, when a luncheon was served with a little very mild beverage on the side.

Mr. SUMMERS of Washington. The amount has not been increased but there is a little wider scope in its terms.

Mr. BLANTON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BLANTON. If the President spends annually after he has become President in proportion to what he expended before he became President the expenses would be enormous. You will remember that before he was inaugurated he was furnished with a battleship to go on an extensive trip of several months, during which trip he was preaching abroad that there was but one thing to cure, and that was poverty; they must cure poverty abroad and that he was going to cure poverty in the United States. Has it been cured?

Mr. STAFFORD. The gentleman from the Panhandle district knows——

Mr. BLANTON. I do not represent the Panhandle district; that is ably and effectively represented by my colleague from Texas, Mr. JONES.

Mr. STAFFORD. Well, the gentleman is close to the Panhandle district.

Mr. BLANTON. I want to say, however, that that is a splendid part of Texas.

Mr. STAFFORD. And all the panhandlers do not live there.

Mr. BLANTON. No; some live in Wisconsin. [Laughter.]

Mr. STAFFORD. Oh, they are all over the country. I take it that the gentleman from Texas would not have the President go around the country on official business in a schooner?

Mr. BLANTON. No; not in a Milwaukee schooner, and this is the first time I ever mentioned his going in a battleship.

Mr. STAFFORD. It has been customary for Presidents going abroad to go in Government vessels, becoming the dignity of the United States. During the administration of President Wilson he had assigned to him the passenger steamer *George Washington*.

Mr. BLANTON. Yes; but that was after he became President, when he went abroad in the interest of peace.

Mr. STAFFORD. I do not think any criticism can be made against any President of this country when occasion requires him to go abroad.

Mr. BLANTON. I am not making any criticism now, either of the President or of my friend. I deem the distinguished gentleman from Wisconsin [Mr. STAFFORD] one of the most valuable Members of this House. He is earnest, honest, zealous, energetic, and tireless.

Mr. STAFFORD. My only purpose was to ascertain how much was expended in entertainment, particularly of the Members of the Senate and House of Representatives, when they are invited to the White House.

Mr. BLANTON. Oh, we will get some of that next Thursday night.

Mr. STAFFORD. Oh, no. It has been stated on the floor of the House that in recent receptions—and I have not been present at one for a number of years—the repast that formerly was such a delightful feature of those receptions in the administrations of Presidents Roosevelt and Taft is no longer provided.

Mr. BLANTON. And as a result, of course, it will be much easier for Representatives to find their way home after the reception than formerly.

Mr. STAFFORD. Oh, in all of my experience I never knew a time when any Member of Congress attending a White House reception was not perfectly able to get home after it was over and who was not in just as good condition, except possibly he might be in a little better humor because he witnessed dancing and other pleasant features. It was my good fortune to attend a musicale at the invitation of the first Mrs. Wilson, and there was no sign whatever that Members were not in better condition after attending that musicale than they were before, because they had been entertained by the rare musical program. I suppose the gentleman is referring to drinking, and surely the gentleman does not mean to intimate that there was ever a time when intoxicating liquors were dispensed in the White House.

Mr. BLANTON. Certainly not. Will the gentleman please tell us whether or not the President has conquered poverty? That was his main subject when he made his trip on the battleship. If he has, then I will say that the money was well spent.

Mr. STAFFORD. One thing that the President is using his great and sincere effort to do is to relieve unemployment, and by the reports from trade journals and from business centers that come in now it would seem that the low notch has been reached and that we are now on the upgrade.

Mr. BLANTON. Is the gentleman backing his administration in trying to kill our $25,000,000 food relief bill?

Mr. STAFFORD. Trying to kill it?

Mr. BLANTON. Yes.

Mr. STAFFORD. Oh, the gentleman from Texas furnishes more information that has no basis in fact than any Member that I know of.

Mr. BLANTON. But the country knows that is true.

The Clerk read as follows:

AMERICAN BATTLE MONUMENTS COMMISSION

For every expenditure requisite for or incident to the work of the American Battle Monuments Commission authorized by the act entitled "An act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes," approved March 4, 1923 (U. S. C., title 36, secs. 121–133), including the acquisition of land or interest in land in foreign countries for carrying out the purposes of said act without submission to the Attorney General of the United States under the provisions of section 355 of the Revised Statutes (U. S. C., title 34, sec. 520; title 40, sec. 255); the maintenance of memorials erected by the commission until the Secretary of War is advised of their completion and assumes their maintenance; employment of personal services in the District of Columbia and elsewhere; the transportation of, mileage of, reimbursement of actual travel expenses or per diem in lieu thereof to the personnel engaged upon the work of the commission; the reimbursement of actual travel expenses (not exceeding an average of $8 per day for subsistence) or per diem in lieu thereof (not exceeding $7 per day) to, and the transportation of the members of the commission while engaged upon the work of the commission; the establishment of offices and the rent of office space in foreign countries; the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles which may be furnished to the commission by other departments of the Government or acquired by purchase; printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activities, battlefields, memorials, and cemeteries in Europe; the purchase of maps, textbooks, newspapers, and periodicals; including not to exceed $20,000 for such expenses as the commission, in its discretion, may decide to be necessary incident to the dedication of the memorials, $304,250, to be immediately available and to remain available until expended: *Provided*, That the commission may incur obligations and enter into contracts for building materials and supplies and for construction work, which, inclusive of the amounts herein and heretofore made available, shall not exceed a total of $4,500,000: *Provided further*, That notwithstanding the requirements of existing laws or regulations and under such terms and conditions as the commission may, in its discretion, deem necessary and proper, the commission may contract for work in Europe, and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel: *Provided further*, That the commission may purchase materials and supplies without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) when the aggregate amount involved does not exceed $500: *Provided further*, That when traveling on business of the commission officers of the Army serving as members or as secretary of the commission may be reimbursed for expenses as provided for other members of the commission.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. This paragraph refers to memorials that

are being erected by the Government under the jurisdiction of the American Battle Monuments Commission, and that is of present moment in view of the large numbers of war mothers that will be transported to the battlefields during the coming year. When this subject was last under consideration a year ago before the Committee on Military Affairs of the House, we were apprised that the memorials had not as yet been completed, that the names of the soldiers who had died on the battlefields had not been inscribed on the monuments, and I rise to inquire what the hearings before the gentleman's subcommittee showed as to the status of the work.

Mr. SUMMERS of Washington. The status of that work is that a number of monuments have already been completed, and that all of them are expected to be completed during the year 1932.

Mr. STAFFORD. Can the gentleman state when in 1932 they will be completed? Last year in the Committee on Military Affairs some Members were not inclined to have any pilgrimage during the year 1930 for the reason that the memorials would not be completed, and the mothers going there would not be able to see the names of their sons inscribed on the tablets.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WOODRUM. It was stated before our committee that under the present plan the commission expected that every one of the memorials would be completed some time before the end of the calendar year 1932, although there might be some final touches, some landscaping, and things of that kind, that would not be completed, that it was expected that the completion would be practically over by the end of the calendar year 1932.

Mr. STAFFORD. And there is nothing that shows the status of the work now?

Mr. WOODRUM. Oh, yes; on page 7 of the hearings the state of progress reached in the construction of these memorials is set out in a table there.

Mr. STAFFORD. That is the information that I desired.

Mr. SUMMERS of Washington. They will be completed by July or August of next year.

Mr. STAFFORD. Then they will be in the state of incompletion during the present calendar year when one-third of the war mothers will visit the battlefields.

Mr. WOODRUM. They are nearly completed now.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HOWARD. I have two or three gold-star mothers in my own district, but because of physical infirmity they are not able to take this trip, and probably never will be. A good many people out there have been writing to me and asking if I know of any legislation, or any intended legislation, to carry any further recognition to those gold-star mothers than was carried in our general legislation. I refer to those who can not, by reason of physical infirmity, make the trip.

Mr. SUMMERS of Washington. The gentleman will realize that that opens up a very large problem. There has been no legislation covering instances of the kind the gentleman refers to, and if they should be paid an amount similar to the amount required to transport them over there, then the question might arise in case of the death of a war mother whether somebody should not be paid that which she would have enjoyed had she lived.

And, so it goes on and on, and opens up many points over which this committee has no jurisdiction.

Mr. HOWARD. I was not making an argument either way. I was just asking for information. If the members of the committee know of nothing, I presume nothing is known.

Mr. SUMMERS of Washington. This is not a legislative committee.

The pro forma amendment was withdrawn.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last two words, and I ask unanimous consent to speak two minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HASTINGS. Mr. Chairman, I do this in order to invite attention to some data which I ask here to be placed in the RECORD. They were prepared by the Director of the Legislative Records Service and they show all of the acts and resolutions of Congress, as far as we have been able to collect them, beginning with the act of February 19, 1803, and extending down to the present time. In glancing over it I find a joint resolution of February 12, 1884, appropriating $300,000 for purchase and distribution of subsistence stores, clothing, and so forth, for sufferers from overflow of Ohio River and tributaries.

Also, I find joint resolution of April 19, 1906, appropriating $2,500,000 for purchase and issue of subsistence, quartermaster and medical supplies for sufferers for San Francisco earthquake; on the next page I find an appropriation of $654,448 to reimburse certain Army appropriations for relief of sufferers from floods in the Mississippi Valley.

On the next page I find the act of January 20, 1922, transferring $4,000,000 worth of surplus medical supplies to Army organizations for Russian relief.

I find on the next page a joint resolution of December 21, 1928, authorizing $6,000,000 for rehabilitation of agriculture, and so forth.

I ask unanimous consent, Mr. Chairman, to extend my remarks by putting these data in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The matter referred to is as follows:

LIBRARY OF CONGRESS,
*Washington, January 26, 1931.*

Hon. W. W. HASTINGS,
*Room 107, House Office Building, Washington, D. C.*

DEAR SIR: Your request to Mr. Morrison, of the House reading room, for the amount of money appropriated for relief in the cases mentioned in editorial of the News, Washington, D. C., January 24, 1931, was transferred to the Legislative Reference Service for action. I find that we have already compiled a list of these appropriation acts, somewhat more full than that published in the Washington Daily News. A copy of this list of acts of Congress granting relief to sufferers from floods, fires, earthquakes, etc., is herewith inclosed.

Very respectfully,

H. H. B. MEYER,
*Director Legislative Reference Service.*

ACTS OF CONGRESS GRANTING RELIEF TO SUFFERERS FROM FLOODS, FIRES, EARTHQUAKES, ETC.

Act of February 19, 1803 (6 Stat. 49, ch. 6): Extension of time for discharging customhouse bonds of sufferers from Portsmouth fire.

Act of March 19, 1804 (6 Stat. 53, ch. 28): Extension of time for discharging customhouse bonds of sufferers from fire at Norfolk.

Act of May 8, 1812 (2 Stat. 730, ch. 79): Appropriation of $50,000 for provisions to be sent to Government of Venezuela for earthquake sufferers.

Act of February 17, 1815 (3 Stat. 211, ch. 45): Persons owning lands in New Madrid County, Mo., injured by earthquakes authorized to exchange such land for other public lands.

Act of January 24, 1827 (6 Stat. 356, ch. 3): Appropriation of $20,000 for relief of fire sufferers at Alexandria, D. C. (Now Virginia.)

Resolution of February 1, 1836 (5 Stat. 131, No. 1): Rations to be distributed to sufferers from Indian depredations in Florida; no amount specified.

Act of March 19, 1836 (5 Stat. 6, ch. 42): Extension of time for discharging customhouse bonds of sufferers from fire at New York.

Resolution of March 3, 1847 (9 Stat. 207, No. 10): Use of U. S. S. *Macedonian* and *Jamestown* for transporting contributions for relief of famishing poor of Ireland and Scotland.

Act of February 16, 1863 (12 Stat. 652, ch. 37): Relief of persons damaged by Indian depredations in Minnesota; payment from Indian annuities—not exceeding $200,000.

Joint resolution of July 4, 1864 (13 Stat. 416, No. 76): Appropriation of $2,000 for relief of sufferers from explosion in cartridge factory at Washington Arsenal.

Joint resolution of March 17, 1866 (14 Stat. 351, No. 14): Appropriation of $2,500 for distribution among sufferers from explosion at Washington Arsenal.

Act of July 27, 1866 (14 Stat. 304, ch. 285): Admission, free of duty, of foreign contributions for relief of sufferers from fire at Portland, Me.

Resolution of July 27, 1866 (14 Stat. 369, No. 92): Suspension of collection of internal-revenue duties from sufferers from fire at Portland, Me.

Joint resolution of February 22, 1867 (14 Stat. 567, No. 23): Use of public vessel for transportation of food and clothing contributed for relief of people of Southern States.

Joint resolution of March 29, 1867 (15 Stat. 24, No. 17): Charter of vessel by Secretary of the Navy for transportation of provisions to Wilmington, N. C., for distribution among destitute people of the South.

Joint resolution of March 30, 1867 (15 Stat. 28, No. 28): Issue of food supplies through Freedmen's Bureau for relief of persons in Southern and Southwestern States; no amount specified.

Joint resolution of March 30, 1867 (15 Stat. 28, No. 29): Transfer of $50,000 from funds in charge of Freedmen's Bureau to Commissioner of Agriculture for purchase of vegetable and cereal seeds for distribution in Southern States.

Joint resolution of January 31, 1868 (15 Stat. 246, No. 7): Issue of desiccated vegetables through Freedmen's Bureau for relief of destitute persons in the South; no amount specified.

Joint resolution of February 10, 1871 (16 Stat. 596, No. 28): Use of naval vessels for transportation of supplies contributed for relief of destitute persons in France and Germany.

Act of April 5, 1872 (17 Stat. 51, ch. 88): Admission, free of duty, of foreign contributions for relief of sufferers from Chicago fire. Drawback on import duties on building materials for reconstruction. Suspension of collection of internal-revenue taxes from fire sufferers.

Act of April 23, 1874 (18 Stat. 34, ch. 125): Issue of food and Army clothing to sufferers from overflow of lower Mississippi River; no amount specified.

Act of May 13, 1874 (18 Stat. 45, ch. 170): Appropriation of $190,000 for purchase of food and clothing for relief of sufferers from overflow of Mississippi River.

Act of January 25, 1875 (18 Stat. 303, ch. 25): Appropriation of $30,000 for special distribution of seeds among sufferers from grasshopper ravages.

Act of February 10, 1875 (18 Stat. 314, ch. 40): Appropriation of $150,000 for issue of food and clothing among sufferers from grasshopper ravages.

Joint resolution of February 25, 1880 (21 Stat. 303, No. 16): Use of naval or chartered vessel for transportation of contributions for relief of famishing poor of Ireland; indefinite appropriation.

Act of March 5, 1880 (21 Stat. 66, ch. 33): Admission, free of duty, of foreign contributions for the relief of colored emigrants.

Joint resolution of April 28, 1880 (21 Stat. 594, No. 27): Loan of 500 tents to Governor of Missouri for relief of tornado sufferers.

Joint resolution of May 4, 1880 (21 Stat. 306, No. 30): Issue of 4,000 Army rations for relief of sufferers from cyclone at Macon, Miss.

Joint resolution of February 25, 1882 (22 Stat. 378, No. 6): Appropriation of $100,000 for purchase and distribution of subsistence stores for sufferers from overflow of Mississippi River and tributaries.

Joint resolution of March 10, 1882 (22 Stat. 378, No. 8): Use of Army hospital tents for shelter to sufferers from overflow of Mississippi River; no amount specified.

Joint resolution of March 11, 1882 (22 Stat. 378, No. 9): Use of Government vessels for transportation and distribution of rations and supplies for sufferers from overflow of Mississippi River and tributaries; indefinite appropriation.

Joint resolution of March 21, 1882 (22 Stat. 379, No. 12): Appropriation of $150,000 for furnishing food for sufferers from floods in Mississippi River and tributaries.

Joint resolution of April 1, 1882 (22 Stat. 379, No. 16): Appropriation of $100,000 for purchase and distribution of subsistence stores for sufferers from overflow of Mississippi River and tributaries.

Act of April 11, 1882 (22 Stat. 44, c. 77): Appropriation of $20,000 for purchase of seeds and distribution among sufferers from overflow of Mississippi River and tributaries.

Joint resolution of February 12, 1884 (23 Stat. 267, No. 9): Appropriation of $300,000 for purchase and distribution of subsistence stores, clothing, etc., for sufferers from overflow of Ohio River and tributaries; use of Army tents for shelter to sufferers; use of Government vessels for transportation and distribution of supplies.

Joint resolution of February 15, 1884 (23 Stat. 268, No. 12): Additional appropriation of $200,000 for same objects (Ohio River, etc.).

Act of March 31, 1890 (26 Stat. 33, c. 58): Appropriation of $25,000 for purchase of 2,500 tents to be loaned to State authorities for use of sufferers from floods in Arkansas, Mississippi, and Louisiana.

Joint resolution of April 25, 1890 (26 Stat. 671, No. 16): Appropriation of $150,000 for purchase and distribution of subsistence stores for sufferers from overflow of Mississippi River and tributaries; use of Government vessels for transportation and distribution of supplies.

Joint resolution of September 1, 1890 (26 Stat. 679, No. 44): Reappropriation of unexpended balance of appropriation of April 25, 1890, to Territory of Oklahoma for sufferers from drought.

Joint resolution of May 28, 1896 (29 Stat. 475, No. 57): Loan of Army tents to mayors of St. Louis, East St. Louis, etc., for tornado sufferers; no amount specified.

Joint resolution of February 19, 1897 (29 Stat. 701–702), and April 7, 1897 (30 Stat. 219), amended June 1, 1897 (30 Stat. 220, No. 12): Use of naval or chartered vessel for transporting contributions for famishing poor of India. Indefinite appropriation.

Joint resolution of April 7, 1897 (30 Stat. 219, No. 9): Appropriation of $200,000 for purchase and distribution of subsistence stores for sufferers from overflow of Mississippi River and tributaries and Red River of the North.

Joint resolution of May 24, 1897 (30 Stat. 220, No. 11): Appropriation of $50,000 for purchasing and furnishing of food, clothing, and medicines for destitute citizens of the United States in Cuba and for their transportation home.

Joint resolution of June 9, 1897 (30 Stat. 221, No. 14): Reappropriation of $10,000 (remaining under resolution of April 7, 1897) for purchase and distribution of subsistence stores and payment of transportation for sufferers from overflow of Rio Grande near El Paso.

Act of December 18, 1897 (30 Stat. 226, c. 2): Appropriation of $200,000 for purchase, transportation, and distribution of subsistence stores, etc., for destitute persons in mining regions of Alaska. Use of Army and purchase of reindeer, etc., authorized.

Act of March 30, 1898 (30 Stat. 346): Payments on account of injuries, etc., suffered in destruction of U. S. S. *Maine*. Indefinite appropriation.

Act of May 18, 1898 (30 Stat. 419, c. 345): Issue of subsistence, medical, and quartermaster's supplies, etc., to destitute inhabitants of Cuba; no amount specified.

Act of March 3, 1899 (30 Stat. 1069): Appropriation of $100,000 for subsistence supplies to be issued to destitute inhabitants of Cuba.

Act of May 13, 1902 (32 Stat. 198, c. 787): Appropriation of $200,000 for procurement and distribution of provisions, clothing, medicines, etc., for destitute people of French West Indies (eruption of Mount Pelee).

Joint resolution of April 19, 21, and 24, 1906 (34 Stat. 827, 828, Nos. 16, 17, 19): Appropriation of $2,500,000 for purchase and issue of subsistence, quartermaster's, and medical supplies for sufferers from San Francisco earthquake and fire.

Act of January 18, 1907 (34 Stat. 850, c. 154): Distribution of provisions, clothing, medicines, etc., among sufferers from earthquake and fire in Jamaica; no amount specified.

Joint resolution of April 30, 1908 (35 Stat. 570, No. 17): Use of Army tents, provisions, and supplies for relief of sufferers from cyclone in Southern States; no amount specified.

Joint resolution of May 11, 1908 (35 Stat. 572, No. 20): Appropriation of $250,000 for procurement and issue of subsistence and quartermaster supplies, medicines, etc., for sufferers from cyclone in Southern States.

Act of May 23, 1908 (35 Stat. 251, ch. 191): Allowance of $600 for expenditures by naval station pay director and $150 by Marine Hospital Service for care of sufferers from fire at Chelsea, Mass.; additional authorization of hospital care, up to $3,600.

Act of January 5, 1909 (35 Stat. 584, ch. 7): Appropriation of $800,000 for procurement and distribution of provisions, clothing, medicines, etc., for suffering and destitute people of Italy (Messina earthquake).

Joint resolution of July 1, 1909 (36 Stat. 183, No. 4): Extension to October 1, 1909, of time allowed for treatment of accident, etc., cases in Chelsea Marine Hospital.

Act of May 13, 1910 (36 Stat. 367, ch. 232): Distribution of tents, blankets, etc., among sufferers from earthquake in Costa Rica; no amount specified.

Act of February 18, 1911 (36 Stat. 919, ch. 114): Appropriation of $50,000 for transportation of supplies donated for famine sufferers in China.

Joint resolution of May 9, 1912 (37 Stat. 633, No. 19): Appropriation of $1,239,179.65 for tents, rations, etc., for sufferers from floods in Mississippi and Ohio Valleys.

Act of August 26, 1912 (37 Stat. 597): Appropriation of $30,000 to reimburse Revenue Cutter Service for relief of sufferers from volcano near Kodiak, Alaska.

Same (p. 601): Appropriation of $4,500 for mileage of Army officers and contract surgeons in connection with relief of flood sufferers in Mississippi and Ohio Valleys.

Act of March 4, 1913 (37 Stat. 919): Use of $18,173.69 of funds appropriated May 9, 1912, to reimburse Quartermaster Corps and Medical Corps for relief of flood sufferers in Mississippi, Ohio, and Green River Valleys.

Act of October 22, 1913 (38 Stat. 211): Appropriation of $5,000 to reimburse Life Saving Service for rescue and relief of flood sufferers in Middle West.

Same (p. 215): Appropriation of $654,448.49 to reimburse certain Army appropriations for relief of sufferers from floods, tornadoes, and fires in Mississippi and Ohio Valleys, Peach Tree, Ala., and Nebraska.

Same (p. 216): Credit of $42,431.75 to certain Army accounts for expenditures for relief of flood sufferers in Mississippi Valley. Appropriation of $130,940.38 to reimburse naval appropriations for relief of flood sufferers in Ohio and Indiana, and on Ohio and Mississippi Rivers and tributaries.

Joint resolution of November 15, 1913 (38 Stat. 240, No. 15): Use of unexpended balance under act of August 26, 1912 (first provision cited above), for relief of sufferers from storm in northern Bering Sea.

Act of August 1, 1914 (38 Stat. 637): Appropriation of $500 for refund of rentals to lessees on Muskingum River damaged by flood conditions; abatement of rentals and termination of leases.

Same (p. 681, sec. 13): Appropriation of $200,000 for relief of sufferers from fire at Salem, Mass.

Joint resolution of February 15, 1916 (39 Stat. 11, ch. 28): Loan, issue or use of tents, provisions and supplies of Quartermaster's and Medical Departments for relief of sufferers from overflow of Mississippi River and tributaries; no amount specified.

Act of April 11, 1916 (39 Stat. 50, ch. 70): Supply of Army tents, cots, blankets, etc., for sufferers from fire at Paris, Tex.; no amount specified.

Joint resolution of August 3, 1916 (39 Stat. 434, ch. 267): Appropriation of $540,000 for relief of flood sufferers in Southern States, including issue of seeds and Army supplies and supplying employment for destitute persons.

Joint resolution of August 24, 1916 (39 Stat. 534, ch. 404): Last preceding provision to apply to West Virginia also.

Act of February 25, 1919 (40 Stat. 1161, ch. 38): Appropriation of $100,000,000 as revolving fund for furnishing foodstuffs, etc., to populations in Europe, etc.

NOTE.—Deficiency appropriation of $107,746.17 in act of March 20, 1922 (42 Stat. 460).

Act of March 30, 1920 (41 Stat. 548, ch. 113): United States Grain Corporation authorized to sell 5,000,000 barrels of flour for cash or credit to relieve populations in Europe, etc.

Joint resolution of June 8, 1921 (42 Stat. 19, ch. 17): Issue of subsistence and quartermaster supplies to persons suffering from overflow of Arkansas River and tributaries in Colorado; no amount specified.

Act of December 22, 1921 (42 Stat. 351, ch. 15): Expenditure of $20,000,000 from funds of United States Grain Corporation for purchase and distribution of corn, seed grain, and preserved milk for people of Russia.

Act of January 20, 1922 (42 Stat. 357, ch. 30): Transfer of $4,000,000 worth of surplus medical supplies to American organizations for Russian relief.

Act of May 28, 1924 (43 Stat. 195): Expenditure from naval supply account of issues for relief of earthquake sufferers in Japan; no amount specified.

Act of February 24, 1925 (43 Stat. 963, ch. 297): Credit of $6,017,069.03 in Army accounts for issue of supplies, etc., for earthquake sufferers in Japan.

Joint resolution of March 3, 1925 (43 Stat. 1252, ch. 478): Credit of $8,548.27 in Army accounts for issue of quartermaster stores for relief of sufferers from cyclone at Lagrange and West Point, Ga.

Act of March 4, 1925 (43 Stat. 1285, ch. 547): Credit of $10,575.58 in Army accounts for issue of quartermaster stores, etc., for relief of sufferers from fire at New Bern, N. C.

Act of March 4, 1925 (43 Stat. 1286, ch. 548): Credit of $4,582.33 in Army accounts for issue of quartermaster stores for relief of sufferers from cyclone in northwestern Mississippi.

Act of February 9, 1927 (44 Stat. 1065, ch. 89): Issue of $936.62 quartermaster stores for flood-relief work in Texas.

Act of February 14, 1927 (44 Stat. 1097, ch. 136): Issue of $1,775.80 Army stores for relief of sufferers from fire at Astoria, Oreg.

Act of February 28, 1927 (44 Stat. 1251): Loans, etc., up to $253,000 to owners of crops and livestock damaged or destroyed by Florida hurricanes.

Act of February 25, 1927 (44 Stat. 1792, ch. 213): Determination of losses to property owners near Hatch and Santa Teresa, N. Mex., by overflow of Rio Grande, and appropriation of $75,000 authorized.

NOTE.—The flood control act of May 15, 1928 (45 Stat. 536, sec. 3), provides specifically that the United States is not to be liable for damage from floods at any place.

Joint resolution of May 21, 1928 (45 Stat. 688), as amended February 8, 1930 (46 Stat. 67, ch. 45): Authorization of $5,000,000 for compensating farmers for losses due to enforcement of noncotton zones primarily in Texas. The appropriation was carried in act of May 29, 1928 (45 Stat. 895), and limited strictly to the crop of 1928. Establishment of noncotton zones was continued for 1929 by act of February 16, 1929 (45 Stat. 1216), without specifying compensation to farmers; and the act of February 8, 1930, reduced the authorization to $2,500,000, limited to crop of 1930, unless Federal appropriation matched by State funds.

Joint resolution of December 21, 1928 (45 Stat. 1067, ch. 45): Authorization of $6,000,000 for rehabilitation of agriculture, $2,000,000 for schoolhouses, and $100,000 for purchase of seeds, etc., in Porto Rico, following hurricane of September, 1928.

Joint resolution of February 25, 1929 (45 Stat. 1306, ch. 318): Loans for purchase of seed, fertilizer, etc., in storm and flood stricken areas of Southeastern States; $6,000,000 authorized, appropriated in deficiency act of March 4, 1929 (45 Stat. 1635).

Joint resolution of May 17, 1929 (46 Stat. 3, ch. 5): Loans under resolution of February 25, 1929, above, in respect of storms between that date and May 17.

Joint resolution of January 22, 1930 (46 Stat. 57, ch. 23): Additional appropriations authorized, $1,000,000 for loans to coffee planters, etc., and $2,000,000 for rebuilding of schools in Porto Rico.

Joint resolution of February 7, 1930 (46 Stat. 66, ch. 43): Appropriation of $587,500 for control of pink bollworm in Arizona—compensation to farmers in noncotton zones dependent on local contributions.

NOTE.—The language of this act implies that compensation was actually payable to farmers under the terms of the act of February 16, 1929, noted above.

Joint resolution of March 3, 1930 (46 Stat. 78, ch. 68): Loans to farmers in storm and drought-stricken areas of 15 States—for purchase of seed, etc.; extended to include tractor fuel, etc., by resolution of April 24 (46 Stat. 254).

NOTE.—There are numerous acts in which provision is made for the relief of specific individuals for injuries sustained in calamities similar to those mentioned above. These are mostly reimbursement for property losses, or personal injuries, after examination of extent of damage. See, for example, 17 Stat. 646 (postmaster—Chicago fire); 28 Stat. 932 (25 persons—Ford Theater disaster); 29 Stat. 273 (94 persons—Ford Theater disaster); 31 Stat. 1612, ch. 838 (1 person—Ford Theater disaster); 36 Stat. 2022, ch. 234 (1 person—Allegheny River flood); 37 Stat. 1286, ch. 273 (21 parties—Allegheny River flood); 45 Stat. 1849, ch. 589 (1 person—Galveston flood, 1900); 45 Stat. 2014, ch. 940 (9 persons—drainage ditch overflow); 45 Stat. 2047, ch. 144 (persons named in certain House documents—Lake Denmark, N. J., explosion and fire); 45 Stat. 2326, ch. 309 (1 person—accidental burning of orchard); 45 Stat. 2326, ch. 310 (21 claimants—flooding of Chesapeake & Delaware Canal); W. H. McClenon, March 6, 1928; W. C. Gilbert, October 30, 1930.

NOTE.—Items contained in general appropriation bills are not included in the above enumeration.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For five members of the board, at $12,000 each, and for other authorized expenditures of the Board of Mediation in performing the duties imposed by law, including personal services; contract stenographic reporting services without reference to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); supplies and equipment; law books and books of reference; not to exceed $200 for newspapers; periodicals; traveling expenses; rent of quarters in the District of Columbia, if space is not provided by the Public Buildings Commission, and rent of quarters outside the District of Columbia, $186,685, of which amount not to exceed $141,500 may be expended for personal services in the District of Columbia.

Mr. PATMAN. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. PATMAN].

Mr. SPROUL of Illinois. Mr. Chairman, I object.

Mr. PATMAN. Mr. Chairman, will the gentleman reserve that for a moment?

Mr. BLANTON. Will the gentleman yield?

Mr. PATMAN. Yes; I yield.

Mr. BLANTON. The gentleman can speak on the subject he wanted to speak about by moving to strike out any applicable word in the bill.

Mr. PATMAN. District of Columbia, of course, is very interesting. I want to strike out the word "Columbia."

In the District of Columbia, if the veterans' adjusted-service certificates are paid in full——

Mr. TILSON. Mr. Chairman, I insist that the rule shall be enforced. The gentleman should not be allowed to trifle with the House.

Mr. PATMAN. If the Chairman please, I am not trifling with the House. I do not think the majority leader has any right to say that. Others have spoken out of order, and the gentleman did not object to them speaking out of order.

Mr. TILSON. They had permission.

Mr. SPROUL of Illinois. Mr. Chairman, the regular order.

The CHAIRMAN. The gentleman will proceed in order.

The Clerk will read.

Mr. PATMAN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count.

Mr. BLANTON. I hope my colleague will withdraw that.

Mr. PATMAN. Under the circumstances, Mr. Chairman, I will withdraw the point of order.

The point of order was withdrawn.

The Clerk read as follows:

Arbitration boards: To enable the Board of Mediation to pay necessary expenses of arbitration boards, including compensation of members and employees of such boards, together with their necessary traveling expenses and expenses actually incurred for subsistence while so employed, and printing of awards, together with proceedings and testimony relating thereto, as authorized by the railway labor act, including also contract stenographic reporting service without reference to section 3709, Revised Statutes (U. S. C., title 41, sec. 5), and rent of quarters when suitable quarters can not be supplied in any Federal building, the unexpended balances of the appropriations for this purpose for the fiscal years 1930 and 1931 are reappropriated and made available for the fiscal year 1932.

Mr. BLANTON. Mr. Chairman, on page 7, line 17, I move to strike out the word "arbitration."

In private business, in governmental business, and in the business of the House and of the Senate, Mr. Chairman, it is necessary for Members of Congress to arbitrate differences.

That is why you find the word "arbitration" in this bill. There is disagreement that comes up frequently between all Members of legislative bodies. There is just now a disagreement between my friend from Texas [Mr. PATMAN] and the majority leader [Mr. TILSON] on the right of the gentleman from Texas [Mr. PATMAN] to speak for five minutes in behalf of our ex-service men. That ought to be arbitrated and gotten out of the way.

The majority leader [Mr. TILSON] is sometimes one of the most affable and accommodating gentleman I ever knew. I have seen him do splendid work here before he became the Republican majority leader. He then was busy all the time in behalf of the people. My friend from Texas [Mr. PATMAN] is now trying to speak for our ex-service men, concerning whose needs and necessities there should be no need of arbitration. On that subject of paying the Government's honest debt to them, there should be no need of arbitration. The distinguished majority leader [Mr. TILSON], if it were left to himself, might have his own ideas which might coincide with mine on that subject, but as majority leader and spokesman for his Republican administration, he is required to carry out the administration plans and policies. The gentleman ought to permit my friend [Mr. PATMAN] to speak for five minutes. I hope the gentleman from Connecticut [Mr. TILSON] will not object.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Emergency roads: For expenses of emergency boards appointed by the President to investigate and report respecting disputes between carriers and their employees, as authorized by section 10, railway labor act, approved May 20, 1926 (U. S. C., Supp. III, title 45, sec. 154), the unexpended balance of the appropriation for this purpose for the fiscal year 1930 is reappropriated and made available for the fiscal year 1932.

Mr. PATMAN. Mr. Chairman, I move to strike out the word "emergency" on page 8, line 6.

Now, ladies and gentlemen of the committee, I want to speak for five minutes, and I hope you will not interfere with me.

Mr. BLANTON. Is the gentleman's subject an emergency?

Mr. PATMAN. It is an emergency proposition.

I have asked to strike out the word "emergency."

Over at Indianapolis at an American Legion executive committee meeting there was a resolution offered and passed. The executive committee of the American Legion really control the legionaires between conventions. This resolution proposes that the Legion indorse and urge the cashing——

Mr. SNELL. Mr. Chairman, I make the point of order that the gentleman is not in order.

The CHAIRMAN. The point of order is sustained. The gentleman will proceed in order.

Mr. PATMAN. I will speak about an emergency, then.

Mr. SNELL. Mr. Chairman, it is not in order to speak about the bonus at this time. The gentleman knows it, and as far as I am concerned he is not going to be allowed to do so this afternoon.

Mr. HOWARD. Mr. Chairman, I make the further point of order that there does not seem to be a sufficient number of us here.

Mr. SNELL. That is all right.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. HOWARD. Oh, yes; I make the point of order of no quorum.

Mr. SNELL. Let him make it.

The CHAIRMAN. The Chair will count.

Mr. PATMAN. I just want to talk about five minutes.

Mr. SNELL. The gentleman knows the rules of the House, so why not obey them once in a while? We have been very generous with the gentleman in talking about this proposition. He has consumed more time than all the rest of us put together, and we have been agreeable about it.

Mr. PATMAN. I want to thank the gentleman for the compliment.

Mr. RAYBURN. Mr. Chairman, I call attention to the fact that this debate is being carried on while the count is going on.

Mr. PATMAN. Other Members have spoken out of order, and I assure the gentleman I will not ask for an extension of time.

The CHAIRMAN. The gentleman from Texas will desist.

Mr. STAFFORD. Mr. Chairman, I move the committee do now rise.

The CHAIRMAN (after counting). Forty-five gentlemen are present, not a quorum.

Mr. STAFFORD. I made the motion that the committee do now rise before the Chair stated that there was no quorum present.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 0, noes 30.

Mr. STAFFORD. I ask for tellers.

Tellers were refused.

So the motion was rejected.

Mr. BLANTON. The Chair had announced that there was not a quorum present. We can not proceed without a quorum.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 19]

| | | | |
|---|---|---|---|
| Abernethy | Culkin | Jenkins | Prall |
| Aldrich | Cullen | Johnson, S. Dak. | Pratt, Harcourt J. |
| Andresen | Dempsey | Johnson, Wash. | Pratt, Ruth |
| Arnold | De Priest | Johnston, Mo. | Reid, Ill. |
| Aswell | De Rouen | Kahn | Rich |
| Auf der Heide | Dickstein | Kearns | Sabath |
| Baird | Douglas, Ariz. | Kemp | Sanders, N. Y. |
| Beck | Douglass, Mass. | Kendall, Pa. | Sears |
| Beedy | Doutrich | Kennedy | Seger |
| Bell | Doyle | Kiefner | Simms |
| Black | Dunbar | Knutson | Sirovich |
| Blackburn | Ellis | Korell | Snow |
| Bland | Esterly | Kunz | Somers, N. Y. |
| Boylan | Evans, Calif. | Lea | Sullivan, Pa. |
| Brand, Ohio | Evans, Mont. | Leech | Tarver |
| Brigham | Fenn | Lindsay | Taylor, Colo. |
| Britten | Fish | McCormick, Ill. | Thompson |
| Browne | Fitzpatrick | Maas | Tucker |
| Brunner | Freeman | Michaelson | Turpin |
| Buckbee | Gambrill | Montague | Underhill |
| Carley | Garrett | Montet | Underwood |
| Cartwright | Gavagan | Nelson, Wis. | Vestal |
| Celler | Golder | Newhall | Wainwright |
| Chase | Granfield | Niedringhaus | Wason |
| Chiperfield | Guyer | Norton | Welch, Calif. |
| Christopherson | Hall, N. Dak. | O'Connor, N. Y. | Williams, Tex. |
| Clague | Haugen | Oliver, N. Y. | Wolfenden |
| Clark, Md. | Hoffman | Owen | Wolverton, N. J. |
| Clark, N. C. | Hudspeth | Palmisano | Zihlman |
| Connolly | Hull, William E. | Parker | |
| Cooper, Wis. | Igoe | Parks | |
| Corning | Jeffers | Perkins | |

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16415) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes; and finding itself without a quorum, he had directed the Clerk to call the roll, and 304 Members, a quorum, had answered to their names, and he presented the names of the absentees to be included in the Journal.

The SPEAKER. The names of the absentees will be spread upon the Journal and the committee will resume its session.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16415, with Mr. DOWELL in the chair.

The Clerk read as follows:

Field force: For salaries of the field force, $557,540.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

In this paragraph and in the preceding one for the Civil Service Commission, the appropriation is increased in each instance more than $100,000. I am rising to inquire the occasion for this inordinate increase. Throughout the bill there are increases over the appropriation of a year ago

for the clerical services of almost every establishment. Is this predicated upon the idea of increased salaries or increased work? It is hard for me to conceive how there could be increased work in the Civil Service Commission that would require $149,000 additional in the office force here and $110,000 in the field force.

Mr. SUMMERS of Washington. This is not primarily for increased salaries. There are some small items of increased salaries, but it is mainly because of the increased work of the Civil Service Commission. As I called to the attention of the committee earlier in the day, they have had more than 1,600,000 communications to answer during the last year and the examination of some 287,000 applicants for positions.

Mr. STAFFORD. But the number of available places to be filled in the Government is not increasing. Persons are not withdrawing from Federal positions during these times of depression. They are holding on to their places now. What is the occasion for this increase?

Mr. SUMMERS of Washington. Nevertheless there have been a very large number of applicants for the positions that were to be filled and this means additional work for the Civil Service Commission. Where a few formerly applied for certain positions, now many apply, and all must be examined. New duties have also been assigned to the commission.

Mr. STAFFORD. Oh, there are a number of instances where the Civil Service Commission is not holding examinations because the eligible list is so large that there is no need of having a new list.

Mr. BLANTON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BLANTON. These extra $100,000 items are to be spent by the administration in the hope of bringing about Hoover prosperity in the country.

Mr. STAFFORD. Oh, the gentleman is harping on that old question that he referred to a little while ago and which I thought I had conclusively answered. With this informative information which I have been receiving all the afternoon from the chairman of the committee I ask unanimous consent to withdraw the pro forma amendment.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Total, Civil Service Commission, $1,644,542.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, our very energetic friend from Wisconsin was greatly exercised a few moments ago as to whether or not a slight increase in the appropriations for the Civil Service Commission carried with it any increased salaries. I do not know of any policy of the administration, of which the gentleman from Wisconsin is a faithful and loyal follower——

Mr. STAFFORD. On what does the gentleman base that rash statement? [Laughter.]

Mr. LAGUARDIA. On the gentleman's rash statements from time to time.

I do not know of any policy of the administration whereby this Congress is on record against adjusting salaries or against increasing salaries; neither do I believe that it is good for the morale of the many thousands of hard-working, loyal employees of the United States Government to make some of the statements that were made on the floor of this House this morning by some of the gentlemen who argued for the regular automatic increases.

I can assure the gentleman from Wisconsin and other Members that there are several thousand underpaid employees at this time in the Government service and that it was the intention to standardize and provide automatic increases for these underpaid employees from time to time in accordance with the provisions of the Welch and Brookhart Acts.

I also submit that the statement of the gentleman from Indiana [Mr. WOOD], the chairman of this great committee, about the luxuries that many of the Government employees are supposed to be indulging in, is about as accurate as the statement of the same gentleman from Indiana, made on the floor of this House, with respect to the prosperity of the poor Arkansas farmers.

He is as right in one statement as he was in the other. As to the furs and other ornaments which the gentleman from Wisconsin [Mr. STAFFORD] suggested, the $1,620-a-year girls are indulging in, let me assure him that he is very far from having accurate information. I may tell the gentleman that a girl supporting herself in Washington City has all she can do to keep body and soul together and to dress decently on $1,620 a year. She can not indulge in any luxuries on that salary.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McCORMACK of Massachusetts. It was called to my attention recently that some laborers in the Treasury Department are only receiving $1,100 a year and that they were going to benefit under this 3-year program to the extent this year of $60, and that as a result of the denial of the increases they have been refused this paltry increase of $60 a year.

Mr. LAGUARDIA. What department?

Mr. McCORMACK of Massachusetts. The custodial service of the Treasury Department.

Mr. LAGUARDIA. Yes. They are very much underpaid in that service, and there are a great many of them.

There are 57,845 employees in the Federal service getting less than $1,620 a year, and there are about 79,000 or 80,000 employees getting less than $1,800 a year.

So it seems to me, gentlemen, and very soon, that this House will have to correct the mistake that was made this morning.

The Clerk proceeding with the reading of the bill read to the bottom of page 18.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. SUMMERS of Washington. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. I yield for that purpose.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16415, the independent offices appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on January 21, 1931, the President approved and signed a bill of the House of the following title:

H. R. 9991. An act to fix the salary of the minister to Liberia.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 4799. An act to extend the times for commencing and completing the construction of bridges across the Missouri River at or near Farnam Street, Omaha, Nebr., and at or near South Omaha, Nebr.

The message also announced that the Vice President had appointed Mr. HALE and Mr. SWANSON members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments." for the disposition of useless papers in the Navy Department.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 15592) entitled "An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal years, to provide urgent supplemental

appropriations for the fiscal year ending June 30, 1931, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JONES, Mr. SMOOT, Mr. HALE, Mr. GLASS, and Mr. MCKELLAR to be the conferees on the part of the Senate.

CLAIM OF GEORGE J. SALEM AGAINST THE GOVERNMENT OF EGYPT (S. DOC. NO. 261)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

*To the Congress of the United States:*

I inclose herewith a report, which the Secretary of State has addressed to me, in regard to the claim of George J. Salem against the Government of Egypt. This claim grows out of the improper exercise of jurisdiction over Mr. Salem by the native courts of Egypt respecting a charge of forgery of deeds and out of the retention by the Egyptian authorities of Mr. Salem's deeds for a period of over four years. These actions caused him to lose opportunity for the advantageous sales of his land, and entailed the expenses necessary in defending himself in the native courts of Egypt, and also in the mixed tribunals of Egypt. In the latter tribunals he sought a remedy for the injury above recited, but he received a further injury through what is considered by this Government to be a denial of justice.

It will be noted that the Egyptian Government, in a note addressed to the American Minister at Cairo dated March 20, 1930, agreed to the arbitration of the claim.

I recommend that an appropriation in the amount suggested by the Secretary of State be authorized in order that the expenses which it will be necessary to incur on the part of the Government of the United States in the prosecution of the claim to final settlement may be met.

HERBERT HOOVER.

THE WHITE HOUSE, *January 26, 1931.*
(Inclosure: Report of Secretary of State.)

YAO AH-KEN AND CHIANG AH-ERH (S. DOC. NO. 262)

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Foreign Affairs and ordered printed.

*To the Congress of the United States:*

I transmit herewith a report of the Secretary of State requesting the submission to the Congress of claims against the Navy Department in the total amount of $4,657.20, United States currency, in behalf of Yao Ah-Ken and Chiang Ah-erh (Tsiange Ah Erh) for personal injuries received, the family of Ts'ao Jung-k'uan (Dzao Yong Kwer) for damages sustained due to his death, and in behalf of the Shanghai Electric Construction Co. (Ltd.), for property losses sustained by it as the result of a collision between United States Marine Corps truck No. 1130 and tram car B. 168, owned by the company, in Shanghai, China, on November 29, 1929. The total amount requested to be appropriated will be allotted as follows: To Yao Ah-Ken and Chiang Ah-erh (Tsiange Ah Erh), $1,500 each; to the family of Ts'ao Jung-k'uan (Dzao Yong Kwer), $1,500; and to the Shanghai Electric Construction Co. (Ltd.), $157.20.

I recommend that, as an act of grace and without reference to the question of the legal liability of the United States in the premises, an appropriation in the total amount of $4,657.20, United States currency, be authorized to effect settlement of these claims in accordance with the recommendations of the Secretary of the Navy and the Secretary of State.

HERBERT HOOVER.

THE WHITE HOUSE, *January 26, 1931.*
(Inclosure: Report of Secretary of State.)

LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted to—

Mr. KNUTSON (at the request of Mr. PITTENGER), for today, on account of illness.

Mr. SNOW, for two days, on account of illness.

Mr. WOODRUFF, indefinitely, on account of illness.

ADDRESS BY HON. JAMES M. BECK, OF PENNSYLVANIA

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address made by our colleague the gentleman from Pennsylvania [Mr. BECK] on the 19th instant upon the general subject of Dr. Benjamin Franklin.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, under leave granted to extend my remarks in the CONGRESSIONAL RECORD, I include the following address delivered by our colleague the Hon. JAMES M. BECK, of Pennsylvania, on January 19, 1931, in a series of radio talks on "How's Business," under the auspices of Nation's Business, official publication of the Chamber of Commerce of the United States under the title, "Benjamin Franklin's Remedy for Hard Times." Mr. BECK spoke over the Columbia broadcasting system as follows:

BENJAMIN FRANKLIN'S REMEDY FOR HARD TIMES

To-night I am "pinch-hitting" for my good friend, Merle Thorpe. More than once I have observed that a pinch-hitter, of whom much was expected at a critical time in a game of baseball, like the immortal Casey, struck out. Certainly my address will not be a worthy substitute for that of Mr. Thorpe, whose radio addresses have been consistently both illuminating and inspiring. When Thomas Jefferson presented his credentials as ambassador to the Court of France, the French minister said: "You are here to replace Doctor Franklin." Jefferson charmingly replied: "I am here to succeed Doctor Franklin, for none could replace him." Similarly, I am here to substitute for Mr. Thorpe, but not to replace him.

In his radio address of January 5, Mr. Thorpe reminded his vast audience as to the good lessons which could be drawn by a rereading of Benjamin Franklin's autobiography. As last Saturday was the two hundred and twenty-fifth anniversary of Franklin's birthday, I am justified in recurring to that great theme. In these critical times, we may especially recall the wise old doctor's remedy for hard times. We can well sit at his feet, for he was not only the most versatile intellectual genius of the eighteenth century, but the very incarnation of common sense, and "common sense" seems to me the highest form of wisdom.

Had you walked down High Street in Philadelphia about 190 years ago, you would have noticed near the market place an unpretentious dwelling, whose first floor was also a shop. There you would have seen a stalwart young man of 33 years, with eyes so clear and penetrating that they seemed to look into the very heart of things, and a smile so genial and captivating as to charm friend and stranger alike. Were you tempted to buy, he would have left his printing press long enough to serve you with any of his wares and you could have bought imported books or perfumed soap, legal blanks, or Rhode Island cheese, Dutch quills or live geese feathers, peddlers' book or China tea; the current Almanac of Poor Richard, then in great demand, or even a gallon of sack. Or, if you called in response to his advertisement in the Pennsylvania Gazette that "B. Franklin pays ready money for old rags," out of which he manufactured his paper for his printing offices, he would have driven a bargain with you and then have brought his purchase home in a wheelbarrow.

His neighbors found Ben Franklin at work in the early hours of the morning before the town was astir, and would still find him cutting his type, making with grimy hands his printer's ink, or stitching his almanacs by the flickering light of a tallow dip, when the darkness of the night enveloped the unlighted and unpaved streets of Philadelphia. He was the most useful citizen of the town—fruitful in all good works and tireless in his energy. They then little realized that this printer would one day become "one of the demigods of humanity," as Thomas Carlyle was to call him, or that he would realize the promise which his old Puritan father had quoted to him as a boy: "Seest thou a man diligent in his calling; he shall stand before kings." Franklin before his great career was ended had proudly stood before three kings as the very incarnation of the nascent democratic spirit. He had been honored by many universities and welcomed to membership by the greatest learned societies of the world. His strong right arm, pressing down the lever of his hand-printing press, was destined to divide one empire and create a new one, now the most powerful Nation of the world. He was the most typical and intellectually the greatest of Americans, and his name alone will be found subscribed to the four most important documents of American history—the Declaration of Independence; the treaty of alliance with France; the treaty of peace with England, which recognized us as a Republic; and the Constitution of the United States. Even more than Washington he was the true founder of the American commonwealth, for when Washington, an unknown

lad of 16 years, was surveying the Fairfax estate, and before Hamilton, Madison, or Marshall were even born Franklin had become famous throughout the world by his discovery of the nature of lightning.

Oh, for a breath of Franklin's sanity and common sense in this hysterical generation, when the whole world is topsy-turvy, when civilization seems to have gone stark mad and in all countries large numbers are in revolt against the institutions which make for stability!

To Franklin all the material conquests of man and his collective achievements would be unimportant, so far as the problem of progress is concerned, if the individual is slowly deteriorating; and if Franklin were now to consider whether progress was a reality or an illusion, he would start with the average man and not with the form of government or the material achievements of civilization. He would ask whether, with the growth of mechanical dynamic power, the character of the individual had waxed or waned, and thus he would answer the question, now confronting so many men and as fateful as that of the fabled sphinx, whether our vaunted progress is an illusion or a reality. The great enigma which it propounds to us, and which, like the riddle of the sphinx, we will solve or be destroyed, is this, "Has the increase in the potential of human power, through thermodynamics, been accompanied by a corresponding increase in the potential of human character?"

Franklin was a typical American of his generation in his love of work, not as a mere means to an end, but for the love of work itself. He became the most useful and industrious citizen that America has ever known. His period of public service was nearly 70 years. No burden seemed too great for him; no sacrifice too severe. He loved to do things, not merely for profit, but for the joy of achievement, and he set a commendable example to all Americans when, after amassing a financial competence at 42 years of age, he gave the rest of his long life to the public service. What a country this would be if some of our captains in industry would imitate Franklin's example!

His day and generation passed through as critical a period of industrial depression as we are now experiencing. The year 1757 was a disastrous year for America. Our people were suffering keenly from the results of the war with France; taxes were high; industry was paralyzed; thousands of people were out of work; despair was universal, and the black night of disaster seemingly gave no indication of the dawn. It was then that Franklin sought to rally his fellow countrymen from their profound discouragement by reminding them of some fundamental truths of human life, which we all recognize in theory and ignore in practice. To accomplish this he wrote a pamphlet, which has since been called the Way to Wealth, and it made so profound an impression that it was translated into almost every civilized tongue. Long after his death successive editions of the Way to Wealth were published in all nations and in all languages, and its effect has been immeasurable. In recent years this masterpiece of Franklin's homely wisdom has been almost forgotten, and I can render no greater service to my radio audience than to urge every auditor to reread Way to Wealth.

In this pamphlet Franklin pictured an old man, whom he called Father Abraham, approaching a public sale, where people, notwithstanding the hard times, were buying many things they did not need. Perceiving that they had lost, both the habit of industry and of thrift, Father Abraham, who, of course, was Franklin himself, thereupon proceeded to deliver a sermon against extravagance and in favor of industry, and in this sermon he combined nearly all the homely proverbs which had originated deep in the consciousness of mankind and to which he gave a new expression. "Friends," said he, "the taxes are, indeed, very heavy, and if those laid on by the Government were the only ones we had to pay, we might more easily discharge them; but we have many others, and much more grievous to some of us. We are taxed twice as much by our idleness, three times as much by our pride, and four times as much by our folly; and from these taxes the commissioners can not ease or deliever us by allowing an abatement." "As Poor Richard said: 'It would be thought a hard government that should task its people one-tenth of their time to be employed in its service, but idleness taxes many of us much more.' 'Dost thou love life, then do not squander time, for that is the stuff life is made of, as Poor Richard says.'"

Emphasizing the necessity of industry, Father Abraham said: "Employ thy time well, if thou meanest to gain leisure; and since thou are not sure of a minute, throw not away an hour."

Father Abraham continues: "If you would be wealthy, think of saving as well as of getting." "Beware of little expenses; a small leak will sink a great ship, as Poor Richard says." And again, as Poor Richard says, "Buy what thou hast no need of, and ere long thou shalt sell thy necessaries." In this age of installment buying, this generation may profitably remember Poor Richard's advice that to run into debt is "to give another power over your liberty," and they "have a short Lent, who owe money to be paid at Easter."

After many homely maxims, acknowledged in theory, but always ignored in practice, Franklin, the supposed atheist, says that "even with industry, frugality, and prudence," a man will not prosper "without the blessing of Heaven; and, therefore, ask that blessing humbly, and be not uncharitable to those that at present seem to want it, but comfort and help them."

Franklin, as Father Abraham, realized how little influence his preaching would have, for he uttered the immortal maxim, "Experience keeps a dear school, but fools will learn in no other," and "we may give advice but can not give conduct," for the article concludes by saying that "the people, having heard and approved the doctrine, immediately practiced the contrary, just as if it had been a common sermon."

I take it that the fundamental philosophy of this commonsense sermon is that to cure hard times, the individual must rely mainly on himself and not on the Government, or any agency. The Government can help and has helped in the present crisis by creating new opportunities for employment, but, great as are these appropriations, they are but a drop in the bucket. Similarly, the Red Cross, one of the noblest institutions in the history of mankind, is doing all it can and all of us should heed its appeal for adequate funds. One of Shakespeare's noblest touches is when he makes his proud King Lear, drenched to the skin in the midst of a storm and his own soul steeped in misery, recall those poor, naked wretches that, without home or food, are biding the pitiless storm of adversity, and the king laments that, in the days of his happiness and prosperity, he thought too little of those, and he charges those that have what he calls the "superflux," namely, means beyond their own necessities, to remember the necessitous. All that the Government, or the Red Cross, or any philanthropic agency can do will never restore prosperity unless each citizen remembers that life is not a constant feast of pleasure, but that each man and woman to the extent of his or her capacity, must do their work and do it well, and, having done it and obtained an honest wage, to save a little against the evil day of depression.

There is no royal road to good times; it can only be accomplished by work and one cause of the present depression has been the fact that men everywhere, and especially in this country, have made pleasure and not work the chief end of life. The true spirit of work seems to have vanished from millions of men; that spirit of which Shakespeare made his Orlando speak when he said of his true servant, Adam:

"O good old man! how well in thee appears
The constant service of the antique world,
When service sweat for duty, not for meed!"

The morale of our industrial civilization has been shattered. Work for work's sake as one of the highest privileges of human faculties has largely gone both as an ideal and as a potent spirit with millions of men. The conception of work as a degrading servitude, to be done with reluctance and grudging inefficiency and as a mere means to the gratification of pleasure (now the dominant note of life), is to many an unconscious ideal. If the average American will a little abate his love of pleasure and regain the old American spirit of work for work's sake, the prodigious resources of this country will do the rest. To this end the very name "America" is an inspiration, for it is derived from the Gothic name "Amalaric," compounded of two words, "amal," meaning "work," and "rik," "to conquer." All-conquering work! Such is the name of America. Let it also be its spirit; and if so, we will, as Bunyan's Pilgrim, rise from our present "slough of despond" and again face the "delectable mountains" of our old-time prosperity.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. 5776. An act to provide for the advance planning and regulated construction of public works, for the stabilization of industry, and for aiding in the prevention of unemployment during periods of business depression; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 3159. An act for the relief of W. F. Nash.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 3159. An act for the relief of W. F. Nash.

ADJOURNMENT

And then, on motion of Mr. SUMMERS of Washington (at 5 o'clock and 23 minutes p. m.), the House adjourned until to-morrow, Tuesday, January 27, 1931, at 12 o'clock noon.

## COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, January 27, 1931, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON MILITARY AFFAIRS—SUBCOMMITTEE NO. 1

(10.30 a. m.)

To consider bills relating to real estate and construction.

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider farm loan bills.

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To consider bills prohibiting the importation of goods produced by convict, forced, or coerced labor.

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

To consider a bill proposing to make an appropriation to the Red Cross.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. QUIN: Committee on Military Affairs. H. R. 2017. A bill prescribing the Army ration; with amendment (Rept. No. 2388). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 16519. A bill to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy," as amended by the act of March 4, 1929; without amendment (Rept. No. 2389). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 5080. A bill for the relief of the widow and five minor children of Arturo Guajardo; with amendment (Rept. No. 2378). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 13325. A bill for the relief of Phyllis Pratt and Harold Louis Pratt, a minor; with amendment (Rept. No. 2379). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 13326. A bill for the relief of Lucy Murphy; with amendment (Rept. No. 2380). Referred to the Committee of the Whole House.

Mr. CHRISTGAU: Committee on Claims. H. R. 270. A bill for the relief of William K. Lovett; with amendment (Rept. No. 2381). Referred to the Committee of the Whole House.

Mr. CLARK of Maryland: Committee on Claims. H. R. 12531. A bill for the relief of Daniel S. Schaffer Co. (Inc.); with amendment (Rept. No. 2382). Referred to the Committee of the Whole House.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 9884. A bill for the relief of Austin L. Tierney; without amendment (Rept. No. 2383). Referred to the Committee of the Whole House.

Mr. COYLE: Committee on Naval Affairs. H. R. 14232. A bill for the relief of Henry Dixon Linebarger; without amendment (Rept. No. 2384). Referred to the Committee of the Whole House.

Mr. SINCLAIR: Committee on War Claims. H. R. 14383. A bill for the relief of Julia A. Reid; with amendment (Rept. No. 2385). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on War Claims. H. R. 14873. A bill granting compensation to Harriet M. MacDonald; without amendment (Rept. No. 2386). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 16183. A bill for the relief of Capt. Jacob M. Pearce, United States Marine Corps; with amendment (Rept. No. 2387). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GARBER of Oklahoma: A bill (H. R. 16585) to regulate commerce between the United States and foreign countries in crude petroleum and all products of petroleum, including fuel oil, and to limit the importation thereof, and for other purposes; to the Committee on Ways and Means.

By Mr. MOUSER: A bill (H. R. 16586) granting increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes; to the Committee on Pensions.

By Mr. WHITLEY: A bill (H. R. 16587) to provide for the issuance of Government bonds to be exchanged for veterans' adjusted-service certificates; to the Committee on Ways and Means.

By Mr. BRITTEN: A bill (H. R. 16588) to amend the act entitled "An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith," approved June 24, 1926, with reference to the number of enlisted pilots in the Navy; to the Committee on Naval Affairs.

By Mr. COLTON: A bill (H. R. 16589) to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, secs. 184 and 226), as amended; to the Committee on the Public Lands.

By Mr. FITZGERALD: A bill (H. R. 16590) to permit the Army to participate at the Yorktown Sesquicentennial Celebration; to the Committee on Military Affairs.

By Mr. LEECH: A bill (H. R. 16591) to authorize the erection of a Veterans' Bureau hospital at or near Cresson, Cambria County, Pa., and to authorize the appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. CELLER: Joint resolution (H. J. Res. 482) to suspend the operation and enforcement of the national prohibition act, as amended, in any State of the Union which does not appropriate State funds to enforce prohibition; to the Committee on the Judiciary.

By Mr. BECK (by request): Joint resolution (H. J. Res. 483) to provide for clarifying and reorganizing the accounts of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

## MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State Legislature of the State of Minnesota, memorializing the Congress of the United States to pass the pending measure for the relief of drainage and flood-control districts; to the Committee on Irrigation and Reclamation.

By Mr. McKEOWN: Memorial of the State Legislature of the State of Oklahoma, memorializing the Congress of the United States to enact legislation giving aid to the people of Oklahoma; to the Committee on Appropriations.

Also, memorial of the State Legislature of the State of Oklahoma, memorializing the Congress of the United States to immediately pass House bill 12995; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLINTIC of Oklahoma: Memorial of the State Legislature of the State of Oklahoma, memorializing the Congress of the United States to immediately pass House bill 12995; to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Ohio: A bill (H. R. 16592) granting an increase of pension to Sarah J. Ripley; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 16593) granting an increase of pension to Eldoris Y. Green; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 16594) granting a pension to Charles H. Tubb; to the Committee on Pensions.

By Mr. CULKIN: A bill (H. R. 16595) granting an increase of pension to Ellen McCarthy; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 16596) granting a pension to Mary F. Robbins; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 16597) granting a pension to Reese H. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 16598) granting a pension to Harry C. Spring; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 16599) granting a pension to Grace J. Turner; to the Committee on Pensions.

By Mr. HICKEY: A bill (H. R. 16600) granting a pension to Mary A. Rice; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 16601) granting an increase of pension to Arvilla R. Penfield; to the Committee on Invalid Pensions.

By Mr. HULL of Wisconsin: A bill (H. R. 16602) granting a pension to Alden Ellison, Constance Ellison, and Hope Ellison; to the Committee on Pensions.

By Mr. JONES of Texas: A bill (H. R. 16603) for the relief of John F. Cain; to the Committee on Claims.

By Mr. JOHNSON of Texas: A bill (H. R. 16604) granting a pension to Benjamin R. Taylor; to the Committee on Pensions.

By Mr. LEECH: A bill (H. R. 16605) granting an increase of pension to Susan Potter; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 16606) granting an increase of pension to Lucinda K. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16607) granting an increase of pension to Irene (or Rena) Tevis; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 16608) granting an increase of pension to Lydia M. Bross; to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 16609) granting an increase of pension to Minerva Wagner; to the Committee on Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 16610) granting a pension to Leslie H. Waters; to the Committee on Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 16611) granting an increase of pension to Virginia Hamilton; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 16612) granting a pension to Ezra Pokett; to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 16613) for the relief of Jacob M. C. Robertson; to the Committee on Military Affairs.

By Mr. SELVIG: A bill (H. R. 16614) granting an increase of pension to Margaret A. McCarthy; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 16615) granting a pension to Willis A. Hone; to the Committee on Pensions.

By Mr. SOMERS of New York: A bill (H. R. 16616) for the relief of James Dillon; to the Committee on Military Affairs.

By Mr. VESTAL: A bill (H. R. 16617) for the relief of Mary E. Dawley; to the Committee on Claims.

By Mr. VINCENT of Michigan: A bill (H. R. 16618) granting a pension to Carl Kobis; to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8856. Petition of State of North Dakota Game and Fish Department and a large majority of the people of the State, heartily favoring Senate Concurrent Resolution No. 23 and urging its early enactment; to the Committee on the Judiciary.

8857. By Mr. BACHMANN: Petition of Manuel Layman, post commander Veterans of Foreign Wars, Fairmont, Marion County, W. Va., favoring the payment of the face value of the adjusted-compensation certificates; to the Committee on Ways and Means.

8858. By Mr. BOYLAN: Resolutions adopted by New York Tow Boat Exchange, New York City, urging the necessity of an appropriation for the acquirement, by purchase or construction, of vessels, and for the support of additional personnel, for the effective administration of the office of the port of New York; to the Committee on Rivers and Harbors.

8859. By Mr. BLANTON: Petition of Judge Warren W. Beall, of Beall & Beall, Sweetwater, Tex., favoring legislation to stop Federal land banks from wholesale foreclosures of farms; to the Committee on Banking and Currency.

8860. Also, petition of the chamber of commerce, Ranger, Tex., sent by Charles J. Moore, aviation director, advocating passage of Parker-McNary bill; to the Committee on Interstate and Foreign Commerce.

8861. Also, petition of the Burt Fleming Post, No. 237, sent by James Carpenter, commander, and Dr. Lilburn E. Standifer, adjutant, the American Legion, Junction, Tex.; to the Committee on Ways and Means.

8862. Also, petition of the John William Butts Post, No. 123, sent by A. J. Muller, commander, and W. C. McDaniel, adjutant, the American Legion, of Cisco, Tex., favoring the immediate payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8863. Also, petition of Hon. Carl P. Hulsey, of the Parramore Post, American Legion, Abilene, Tex., advocating immediate payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8864. By Mr. CHINDBLOM: Petition of Ruth Ewing, of Highland Park, Ill., and 11 other residents of Illinois, urging the passage of House bill 7884 prohibiting experiments upon living dogs in the District of Columbia; to the Committee on the District of Columbia.

8865. By Mr. CLAGUE: Resolution of John Watson Post, No. 257, American Legion, Springfield; Ralph Lamb Post, No. 275, American Legion, Seaforth; Madelia Post, No. 19, American Legion, Madelia; and Albin Johnson Post, No. 244, American Legion, Comfrey, all of the State of Minnesota requesting immediate payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8866. Also, resolution of August Donner Post, No. 309; American Legion, Belview; Winnebago Post, No. 82, American Legion, Winnebago; and F. Ben Andreen, second district commander, American Legion, New Ulm, all of the State of Minnesota, requesting immediate payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8867. By Mr. CLANCY: Petition of A. A. Caulette and 20,000 others, urging the immediate passage of legislation providing for payment of all adjusted-compensation certificates; to the Committee on Ways and Means.

8868. By Mr. CULKIN: Petition of approximately 2,600 veterans of the World War, their families, and sundry citizens of Oswego County, State of New York, praying for immediate enactment of legislation providing for payment of all adjusted-compensation certificates; to the Committee on Ways and Means.

8869. By Mr. EATON of Colorado: Resolutions of the First United Presbyterian Church, Denver; Jubilee Woman's Christian Temperance Union, Denver; and Wheatridge Community Church, Wheatridge, Colo., representing in all 576 citizens, urging the enactment of a law for Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

8870. Also, petition of 35 voters of Denver, Colo., urging passage of House bill 7884; to the Committee on the District of Columbia.

8871. By Mr. GARNER: Petition of citizens and taxpayers of Nueces County, Tex., to enact a law to provide for payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8872. Also, petition of veterans of the World War, Corpus Christi, Tex., to enact a law to provide for payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8873. By Mr. HOGG of West Virginia: Petition of General Daniel Morgan Post, No. 548, Veterans of Foreign Wars, requesting the immediate cash payment of the adjusted-compensation certificates now held by veterans of the World War; to the Committee on Ways and Means.

8874. By Mr. JAMES of Michigan: Petition of Goodney Johnson Post, No. 290, American Legion, favoring the immediate payment of adjusted-service certificates; to the Committee on Ways and Means.

8875. By Mr. KVALE: Petition of the House of Representatives (the Senate concurring) of the State of Minnesota, earnestly urging speedy enactment of House bill 15600; to the Committee on Rivers and Harbors.

8876. Also, petition of American Legion Post, Danube, Minn., submitted by Clemmens O. Sletten, adjutant, desiring immediate full payment of adjusted-service certificates; to the Committee on Ways and Means.

8877. Also, memorial of the House of Representatives (the Senate concurring) of the State of Minnesota, earnestly urging passage of House bill 11718; to the Committee on Irrigation and Reclamation.

8878. Also, petition of Atwater Creamery Co., Atwater, Minn., submitted by C. J. Berg, secretary, urging legislation to protect dairy producers against competition from artificially colored oleomargarine; to the Committee on Agriculture.

8879. Also, petition of members of the Watkins Post, No. 453, American Legion, Watkins, Minn., favoring legislation paying full face value of adjusted-service certificates; to the Committee on Ways and Means.

8880. By Mr. McREYNOLDS: Resolution unanimously adopted by the James Perry Fyffe Camp, No. 14, United Spanish War Veterans, Chattanooga, Tenn., at their regular meeting, Wednesday, January 14, 1931, in support of House bill 10296, to provide for use of U. S. S. *Olympia* as Spanish War memorial; to the Committee on Naval Affairs.

8881. By Mr. REED of New York: Resolution of Woman's Christian Temperance Union at Cherry Creek, Jamestown, Belmont, and Franklinville, N. Y., in support of House bill 9986; to the Committee on Interstate and Foreign Commerce.

8882. By Mr. ROBINSON: Petition signed by Anna L. Fary, 821 West Sixth Street, Waterloo, Iowa, under the auspices of the combined societies of the Christian Endeavor, of Waterloo, Iowa, earnestly urging the passage of House bill 9986, for the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

8883. Also, resolution signed by the resolution committee, J. W. McEvoy, Martin Fahey, and Frank Sullivan, of the Veterans of Foreign Wars, Leo A. Schwind Post, No. 508, Dubuque, Iowa, urging the passage of the Patman bill providing for the immediate payment of the World War adjusted-compensation certificates by the Government; to the Committee on Ways and Means.

8884. By Mr. SANDERS of Texas: Petition of the Lloyd Grubbs Post, No. 49, American Legion, Orange, Tex., urging the payment of the adjusted-service certificates of veterans of the World War; to the Committee on Ways and Means.

8885. By Mr. SELVIG: Petition of Mr. and Mrs. Christ Hanson, of Audubon, Minn., urging enactment of House bill 7884 to exempt dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8886. Also, petition of Mrs. Art Friese, Arthur Kohler, Mrs. F. L. Caye, of Detroit Lakes, Minn., urging enactment of House bill 7884 to exempt dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8887. Also, petition of Henry Olson and S. G. Melvald, of Westbury, Minn., urging enactment of House bill 7884 for exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8888. Also, memorial of the Legislature of State of Minnesota memorializing Congress to pass Senate bill 4123 for the relief of the drainage districts; to the Committee on Irrigation and Reclamation.

8889. By Mr. SMITH of West Virginia: Petition of the Gen. Daniel Morgan Post, No. 548, Veterans of Foreign Wars of the United States, Morgantown, W. Va., favoring the enactment of legislation to provide immediate payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8890. By Mr. WYANT: Petition of Sunday School of Harrold's Reformed Church, of Hempfield Township, West moreland County, Pa., favoring passage of the Sparks-Capper resolution eliminating aliens from count in congressional reapportionment; to the Committee on the Judiciary.

8891. Also, petition of Pennsylvania Jersey Cattle Club, opposing ruling of Commissioner of Internal Revenue David Burnett that unbleached, yellow palm oil may be used in manufacture of oleomargarine without subjecting the finished product to tax at rate of 10 cents per pound, and petitioning Congress to enact a law taxing all yellow oleomargarine at least 10 cents a pound if this ruling can not be rescinded; to the Committee on Ways and Means.

8892. Also, petition of Chamber of Commerce of Oil City, Pa., urging tariff on crude petroleum and refined products therefrom; to the Committee on Ways and Means.

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# SENATE

## TUESDAY, JANUARY 27, 1931

*(Legislative day of Monday, January 26, 1931)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Dill | Kean | Sheppard |
| Barkley | Fess | Kendrick | Shipstead |
| Bingham | Fletcher | Keyes | Shortridge |
| Black | Frazier | McGill | Smith |
| Blaine | George | McKellar | Steck |
| Blease | Gillett | McMaster | Steiwer |
| Borah | Glass | McNary | Stephens |
| Bratton | Glenn | Metcalf | Swanson |
| Brock | Goff | Morrison | Thomas, Idaho |
| Brookhart | Goldsborough | Morrow | Thomas, Okla. |
| Broussard | Gould | Moses | Townsend |
| Bulkley | Hale | Norbeck | Trammell |
| Capper | Harris | Norris | Tydings |
| Caraway | Harrison | Nye | Vandenberg |
| Carey | Hatfield | Oddie | Wagner |
| Connally | Hawes | Partridge | Walcott |
| Copeland | Hayden | Phipps | Walsh, Mont. |
| Couzens | Hebert | Pine | Waterman |
| Cutting | Heflin | Ransdell | Watson |
| Dale | Howell | Reed | Wheeler |
| Davis | Johnson | Robinson, Ark. | Williamson |
| Deneen | Jones | Schall | |

Mr. WATSON. I desire to announce that my colleague [Mr. ROBINSON] is detained from the Senate by illness. I ask that this announcement may stand for the day.

Mr. BLAINE. My colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. I will let this announcement stand for the day.

Mr. TOWNSEND. I desire to announce that my colleague [Mr. HASTINGS] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

### PETITIONS AND MEMORIALS

Mr. WATSON presented the following concurrent resolution of the Legislature of the State of Indiana, which was referred to the Committee on Interstate Commerce: