The motion was agreed to; and the Senate (at 6 o'clock p. m.), in accordance with the order previously entered, took a recess until Monday, March 2, 1931, at 11 o'clock a. m.

## NOMINATIONS

*Executive nominations received by the Senate February 28 (legislative day of February 17), 1931*

UNITED STATES MARSHAL

George W. Montgomery, of Louisiana, to be United States marshal, western district of Louisiana, to succeed William M. Palmer, whose term expired December 22, 1930.

ASSAYER IN CHARGE

Elias Marsters, of Boise, Idaho, to be assayer in charge of the United States assay office at Boise, Idaho, to fill an existing vacancy.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate February 28 (legislative day of February 17), 1931*

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Laurits S. Swenson to be envoy extraordinary and minister plenipotentiary to the Netherlands.

CONSUL GENERAL

George C. Hanson to be consul general.

UNITED STATES DISTRICT JUDGE

Louie W. Strum to be United States district judge, southern district of Florida.

JUDGE OF THE POLICE COURT OF THE DISTRICT OF COLUMBIA

John P. McMahon to be a judge of the police court of the District of Columbia.

UNITED STATES MARSHAL

William N. Cromie to be United States marshal, northern district of New York.

COLLECTOR OF CUSTOMS

Anthony Czarnecki to be collector of customs for customs collection district No. 39.

APPRAISER OF MERCHANDISE, CUSTOMS

Robert E. Lee Pryor to be appraiser of merchandise, customs collection district No. 18, Tampa, Fla.

POSTMASTERS

GEORGIA

James T. Dampier, Adel.

IOWA

Otto E. Gunderson, Forest City.
Isaac J. Phillips, Hiteman.
Harvey S. Bliss, Kensett.
Merle B. Camerer, Oto.

MINNESOTA

Edward Lende, Appleton.
Harold E. Bowers, Benson.
Edward F. Koehler, Mound.

MISSISSIPPI

William R. Anderson, Baldwyn.
Myrtle Starnes, Brookville.

NEW JERSEY

Herman H. Wille, Orange.

NEW MEXICO

Maud W. Lenfestey, Aztec.
Winnie E. Pittman, Cloudcroft.
Emma A. Coleman, Lovington.

NORTH DAKOTA

Walter L. Saunders, Ellendale.
Alexander R. Wright, Oakes.

WISCONSIN

Bernard A. McBride, Adams.

# HOUSE OF REPRESENTATIVES

SATURDAY, FEBRUARY 28, 1931

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the judge and the ruler of all men with hearts strong and courageous, we would fling ourselves upon our tasks, yet allow them not to drown the voices of our souls. How precious is life, O Lord! To it belong the music and the language which are divine. Our Father, come to us from every angle; touch us at every point and enter every door of our natures; shape our lives and fill all their human powers, so that we may do our work in a faultless way to the full measure of our high calling. While in this world we shall never find perfect satisfaction, yet with our trust in Thee, unterrified amid the uncertainties of life, may we dauntlessly go on our way. Again we wait another moment with an upward spiritual gaze, and, listening, may we catch some far faint harmony from the unseen above. Let the light that is overhead come, and may its moral might and majesty direct us this day. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS

The SPEAKER. The Chair proposes to delay recognition for unanimous-consent requests until later in the day. The Chair desires in the first place to recognize three motions for suspension of the rules. The first, a motion by the gentleman from Michigan [Mr. JAMES], to suspend the rules and pass the bill H. R. 12918.

AMENDMENT OF NATIONAL DEFENSE ACT

Mr. JAMES of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12918) to amend the national defense act of June 3, 1916, as amended, with amendments suggested by the Secretary of War and agreed to unanimously by the House Committee on Military Affairs.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] moves to suspend the rules and pass the bill H. R. 12918, with amendments, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 1 of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SECTION 1. That the Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States, the Organized Reserves, the Officers' Reserve Corps, and the Enlisted Reserve Corps."

SEC. 2. That the fourth paragraph of section 5 (b) of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 5. (b) All policies and regulations affecting the organization and distribution of the National Guard of the United States, and all policies and regulations affecting the organization, distribution, and training of the National Guard, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of officers from the National Guard of the United States whose names are borne on lists of officers suitable for such duty, submitted by the governors of their respective States and Territories, and for the District of Columbia by the commanding general, District of Columbia National Guard.

"All policies and regulations affecting the organization, distribution, training, appointment, assignment, promotion, and discharge of officers of the Organized Reserves shall be prepared by committees of the proper branches of the War Department General Staff to which shall be added an equal number of officers from the Organized Reserves: *Provided*, That when the subject to be studied affects the National Guard of the United States or the National Guard and the Organized Reserves, such committees shall consist of an equal representation from the Regular Army, the National Guard of the United States, and the Organized Reserves. There shall be not less than 10 officers on duty in the War Department General Staff, 5 of whom shall be from the National Guard of the United States and 5 from the Organized Reserves. For the purpose specified herein such officers shall be regarded as additional members of the General Staff while so serving: *And provided further*, That the Chief of Staff shall transmit to the Secretary of War the policies and regulations prepared as hereinbefore prescribed in this section and advise him in regard thereto; after action by the Secretary of War thereon, he shall act as his agent in carrying the same into effect."

SEC. 3. That section 37 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 37. Officers' Reserve Corps: For the purpose of providing a reserve of officers available for military service when needed there shall be organized an Officers Reserve Corps consisting of general officers and officers assigned to sections corresponding to the various branches of the Regular Army and such additional sections as the President may direct. The grades in each section and the number in each grade shall be as the President may prescribe. All persons appointed in time of peace in the Officers' Reserve Corps are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate. Appointment in every case in the Officers' Reserve Corps shall be for a period of five years, but an appointment in force at the outbreak of war shall continue in force until six months after its termination: *Provided*, That an officer of the Officers' Reserve Corps shall be entitled to discharge within six months after its termination if he makes application therefor. Any officer of the Officers' Reserve Corps may be discharged at any time, in the discretion of the President. In time of peace an officer of the Officers' Reserve Corps must at the time of his appointment be a citizen of the United States or of the Philippine Islands between the ages of 21 and 64 years. Any person who has been an officer of the Army of the United States at any time between April 6, 1917, and June 30, 1919, or who is or has been an officer of the Regular Army at any time may be appointed in the Officers' Reserve Corps in the highest grade which he held or now holds or any lower grade. No other person shall in time of peace be originally appointed in the Officers' Reserve Corps in the Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Corps in a grade above that of second lieutenant. In time of peace original appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Corps shall be limited to officers and former officers of the Regular Army; officers of the National Guard of the United States; graduates of the Reserve Officers' Training Corps, as provided in section 47 (b) hereof; warrant officers and enlisted men of the Regular Army, National Guard of the United States, and Enlisted Reserve Corps; and persons who served in the Army at some time between April 6, 1917, and November 11, 1918. Promotions in all grades of officers who have established or may hereafter establish their qualifications for such promotion and transfer shall be made under such regulations as may be prescribed by the Secretary of War, and shall be based, so far as practicable, upon recommendations made in the established chain of command. So far as practicable, in time of peace officers of the Officers' Reserve Corps shall be assigned to units of the Organized Reserves in the locality of their places of residence. An officer of the Officers' Reserve Corps who accepts appointment in the National Guard of the United States shall upon the termination of his service therewith, if he makes application therefor, be reappointed in the Officers' Reserve Corps in his former grade or such higher grade for which he may be qualified; in determining his qualifications for such higher grade credit shall be given for his service in the National Guard of the United States. General officers transferred from the National Guard of the United States shall not be eligible to assignment to command in the Organized Reserves in time of peace. Nothing in this act shall operate to deprive an officer of his reserve appointment he now holds."

SEC. 4. That section 37a of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 37a. Reserve officers on active duty: To the extent provided for from time to time by appropriations for this specific purpose, the President may order reserve officers to active duty at any time and for any period; but except in time of a national emergency expressly declared by Congress, no reserve officer shall be employed on active duty for more than 15 days in any calendar year without his own consent. A reserve officer shall not be entitled to pay and allowances except when on active duty. When on active duty he shall receive the pay and allowances provided by law, and the same mileage from his home to his first station and from his last station to his home as an officer of the Regular Army, but shall not be entitled to retirement or retired pay: *Provided*, That officers of the National Guard of the United States ordered to active duty shall be paid out of the whole fund appropriated for the support of the National Guard."

SEC. 5. That section 38 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 38. Officers, National Guard of the United States: All persons appointed, in time of peace, officers in the National Guard of the United States are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate.

"Officers in the National Guard of the United States shall be appointed for the period during which they are federally recognized in the same grade and branch in the National Guard: *Provided*, That an appointment in force at the outbreak of war shall continue in force until six months after its termination: *And provided further*, That such officer shall be entitled to return to inactive status within six months after its termination if he makes application therefor.

"Transfers between the National Guard of the United States and the Officers' Reserve Corps may be made under such regulations as shall be prescribed by the Secretary of War. Nothing in this act shall operate to deprive a National Guard officer of the appointment he now holds."

SEC. 6. That section 58 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 58. Composition of the National Guard and the National Guard of the United States: The National Guard of each State, Territory, and the District of Columbia shall consist of members of the milita voluntarily enlisted therein, who, upon original enlistment, shall be not less than 18 nor more than 45 years of age, or who in subsequent enlistment shall be not more than 64 years of age, organized, armed, equipped, and federally recognized as hereinafter provided, and of commissioned officers and warrant officers who are citizens of the United States between the ages of 21 and 64 years: *Provided*, That former members of the Regular Army, Navy, and Marine Corps under 64 years of age may enlist in said National Guard.

"The National Guard of the United States is hereby established. It shall be a reserve component of the Army of the United States and shall consist of those federally recognized officers, warrant officers, and enlisted members of the National Guard of the several States, Territories, and the District of Columbia, who shall have been appointed and commissioned, appointed, enlisted and appointed, or enlisted, as the case may be, in the National Guard of the United States, as hereinafter provided, and of such other officers and warrant officers as may be appointed therein as provided in section 111 hereof: *Provided*, That the members of the National Guard of the United States shall not be in the active service of the United States except when ordered thereto in accordance with law, and, in time of peace, they shall be administered, armed, uniformed, equipped, and trained in their status as the National Guard of the several States, Territories, and the District of Columbia, as provided in this act: *And provided further*, That under such regulations as the Secretary of War shall prescribe, noncommissioned officers, first-class privates, and enlisted specialists of the National Guard may be appointed in corresponding grades, ratings, and branches of the National Guard of the United States, without vacating their respective grades and ratings in the National Guard."

SEC. 7. That section 60 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 60. Organization of National Guard units: Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units: *Provided*, That no change in allotment, branch, or arm of units or organizations wholly within a single State will be made without the approval of the governor of the State concerned."

SEC. 8. That section 69 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 69. Enlistments in the National Guard and the National Guard of the United States: Original enlistments in the National Guard and the National Guard of the United States shall be for a period of three years, and subsequent enlistments for periods of one or three years each: *Provided*, That in the event of an emergency declared by Congress the period of any enlistment which otherwise would expire may by presidential proclamation be extended for a period of six months after the termination of the emergency."

SEC. 9. That section 70 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 70. Men enlisted in the National Guard of the several States, Territories, and the District of Columbia, and in the National Guard of the United States, shall sign an enlistment contract and subscribe to the following oath or affirmation:

"I do hereby acknowledge to have voluntarily enlisted this —— day of ————, 19—, as a soldier in the National Guard of the State of ————, and in the National Guard of the United States, for a period of three (one) years, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear or affirm that I will bear true faith and allegiance to the United States of American and to the State of ————; that I will serve them honestly and faithfully against all their enemies whomsover; that I will render military service to the United States of America in obedience to a lawful order of the President in the event of a declaration of war or other national emergency by Congress or a lawful call of the President for the purpose of executing the laws of the Union, suppressing insurrection, or repelling invasion; that I will continue to render such service in obedience to the call and orders of the President and of the officers by him appointed over me, until such emergency shall have been duly declared to have ceased to exist, or until I shall have been relieved from such service, or shall have been discharged by proper authority; and that I will obey the orders of the Governor of the State of ————, and of the

officers by him appointed over me, at all times when I am not in the active military service of the United States, under the call or order of the President."

SEC. 10. That said act be amended by adding section 71 thereto, as follows:

"SEC. 71. Definitions: In this act, unless the context or subject matter otherwise requires—

"(a) 'National Guard' or 'National Guard of the several States, Territories, and the District of Columbia' means that portion of the Organized Militia of the several States, Territories, and the District of Columbia, federally recognized as provided in this act and organized, armed, and equipped in whole or in part at Federal expense and officered and trained under paragraph 16, section 8, Article I of the Constitution.

"(b) 'National Guard of the United States' means a reserve organization of the Army of the United States composed of those persons duly appointed and commissioned in the National Guard of the several States, Territories, and the District of Columbia, who have taken and subscribed to the oath of office prescribed in section 73 of this act, and who have been duly appointed by the President in the National Guard of the United States, as provided in this act, and of those officers and warrant officers appointed as prescribed in sections 75 and 111 of this act, and of those persons duly enlisted in the National Guard of the United States and of the several States, Territories, and the District of Columbia who have taken and subscribed to the oath of enlistment prescribed in section 70 of this act.

"(c) 'Call' means the exercise by the President of his power, under paragraph 15 of section 8, Article I, of the Constitution and the authority of Congress, to require any or all members of the National Guard of the several States and Territories and the District of Columbia in their militia status to render military service to the United States for the purpose of executing the laws of the Union, suppressing insurrection, or repelling invasion.

"(d) 'Order' means the exercise by the President of his constitutional authority as Commander in Chief of the Army of the United States under the provisions of paragraph 12 of section 8, Article I of the Constitution, in the event of a declaration of war or other national emergency by Congress to put into execution the performance by part or all of the members of the National Guard of the United States of their obligation to render active Federal military service by virtue of the oath and contract of office and enlistment as is provided by this act."

SEC. 11. That section 72 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 72. An enlisted man discharged from service in the National Guard and the National Guard of the United States shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the Secretary of War may prescribe."

SEC. 12. That section 73 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 73. Oaths of National Guard officers—Appointment in the National Guard of the United States: Commissioned officers and warrant officers of the several States, Territories, and the District of Columbia shall take and subscribe to the following oath of office:

"I, ———, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the constitution of the State of ——— against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will render military service to the United States in obedience to a lawful order of the President in the event of a declaration of war or emergency declared by Congress or in obedience to a lawful call of the President for the purpose of executing the laws of the Union, suppressing insurrection, or repelling invasion; that I will continue to render such service in obedience to the orders of the President and of the officers by him appointed over me until I shall have been relieved from such service by orders of the President; that I will obey the orders of the governor of the State of ——— and of the officers by him appointed over me at all times when I am not in the active military service of the United States under an order or call of the President; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States and in the National Guard of the State of ———, upon which I am about to enter. So help me God.

"The President is authorized to appoint in the same grade and branch in the National Guard of the United States any person who is an officer or warrant officer in the National Guard of any State, Territory, or the District of Columbia and who is federally recognized in that grade and branch: *Provided*, That upon such appointment no additional oath of office shall be required: *And provided further*, That acceptance of appointment and commission in the same grade and branch in the National Guard of the United States, by an officer of the National Guard of a State, Territory, or the District of Columbia shall not operate to vacate his State, Territory, or District of Columbia National Guard office.

"Officers or warrant officers of the National Guard who are in a federally recognized status on the date of the approval of this act shall take the oath of office herein prescribed and shall be transferred to the National Guard of the United States without further examination, within a time limit to be fixed by the President, and shall in the meantime continue to enjoy all the rights, benefits, and privileges conferred by this act."

SEC. 13. That section 75 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 75. The provisions of this act shall not apply to any person hereafter appointed as an officer of the National Guard of the United States unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for appointment shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both.

"Upon being federally recognized such officers and warrant officers may be appointed in the National Guard of the United States: *Provided*, That the number of officers and warrant officers of the National Guard of the United States shall not exceed the maximum number required under war-strength tables of organization for the units of that component, plus one major general, Chief National Guard Bureau."

SEC. 14. That section 76 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 76. Withdrawal of Federal recognition: Under such regulations as the President shall prescribe the capacity and general fitness of any officer or warrant officer of the National Guard of the several States, Territories, and the District of Columbia for continued Federal recognition may at any time be investigated by an efficiency board of officers senior in rank to the officer under investigation, appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both. If the findings of said board be unfavorable to the officer under investigation and be approved by the President, Federal recognition shall be withdrawn and he shall be discharged from the National Guard of the United States. Federal recognition may be withdrawn by the Secretary of War and his appointment or commission in the National Guard of the United States may be terminated when an officer or warrant officer of the National Guard of any State, Territory, or the District of Columbia, has been absent without leave for three months."

SEC. 15. That section 77 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 77. Elimination and disposition of officers of the National Guard of the United States: The appointments and commissions of officers and warrant officers of the National Guard of the several States may be terminated or vacated in such manner as the States shall provide by law. Whenever the appointment or commission of an officer or warrant officer of the National Guard of a State has been vacated or terminated, or upon reaching the age of 64 years, the Federal recognition of such officer shall be withdrawn and he shall be discharged from the National Guard of the United States. When Federal recognition is withdrawn from any officer or warrant officer of the National Guard of any Territory or the District of Columbia, as provided in section 76 of this act, or upon reaching the age of 64 years, he shall thereupon cease to be a member thereof, and shall be given a discharge certificate therefrom by the official authorized to appoint such officer."

SEC. 16. That section 78 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 78. Men duly qualified for enlistment in the active National Guard may enlist in the inactive National Guard for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall sign an enlistment contract and subscribe to the oath or affirmation in section 70 of this act.

"Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard may be transferred to the inactive National Guard; likewise enlisted men hereafter enlisted in or transferred to the inactive National Guard may be transferred to the active National Guard: *Provided*, That no enlisted man shall be required to serve under any enlistment for a longer time than the period for which he enlisted in the active or inactive National Guard, as the case may be. Members of said inactive National Guard, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said National Guard when likewise engaged."

SEC. 17. That section 81 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 81. The National Guard Bureau: The Militia Bureau of the War Department shall hereafter be known as the National Guard Bureau. The Chief of the National Guard Bureau shall be appointed by the President, by and with the advice and consent of the Senate, by selection from lists of officers of the National Guard of the United States recommended as suitable for such appointment by their respective governors, and who have had 10 or more years' commissioned service in the National Guard, at least five of which have been in the line, and who have attained at least the grade of colonel. The Chief, National Guard Bureau, shall hold office for four years unless sooner removed for cause and shall not be eligible to succeed himself, and when 64 years of age shall cease to hold such office. Upon

accepting his office the Chief of the National Guard Bureau shall be appointed a major general in the National Guard of the United States, and commissioned in the Army of the United States, and while so serving he shall have the rank, pay, and allowances of a major general, provided by law, but shall not be entitled to retirement or retired pay.

"For duty in the National Guard Bureau and for instruction of the National Guard the President shall assign such number of officers and enlisted men of the Regular Army as he may deem necessary. The President may also assign, with their consent, to duty in the National Guard Bureau, nine officers who at the time of their initial assignments hold appointments in the National Guard of the United States, and any such officers while so assigned shall receive the pay and allowances provided by law.

"The President may also assign, with their consent and within the limits of the appropriations previously made for this specific purpose, not exceeding 500 officers who have been appointed officers in the National Guard of the United States, to duty with the Regular Army, in addition to those officers attending the service schools, and while so assigned they shall receive the pay and allowances provided in this section for officers assigned to duty with the National Guard Bureau.

"In case the office of the Chief of the National Guard Bureau becomes vacant or the incumbent because of disability is unable to discharge the powers and duties of the office, the senior officer on duty in the National Guard Bureau, appointed from the National Guard of the United States, shall act as chief of said bureau until the incumbent is able to resume his duties or the vacancy in the office is regularly filled. The pay and allowances provided in this section for the Chief of the National Guard Bureau and for the officers assigned to duty from the National Guard of the United States shall be paid out of the whole fund provided for the support of the National Guard."

SEC. 18. That section 82 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 82. Armament, equipment, and uniform of the National Guard: The National Guard shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipments as are or shall be provided for the Regular Army."

SEC. 19. That section 111 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 111. When Congress shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination as he may prescribe, order into the active military service of the United States, to serve therein for the period of the war or emergency, unless sooner relieved, any or all units and the members thereof of the National Guard of the United States. All persons so ordered into the active military service of the United States shall from the date of such order stand relieved from duty in the National Guard of their respective States, Territories, and the District of Columbia so long as they shall remain in the active military service of the United States, and during such time shall be subject to the laws and regulations for the government of the Army of the United States. The organization of said units existing at the date of the order into active Federal service shall be maintained intact in so far as practicable.

"Commissioned officers and warrant officers appointed in the National Guard of the United States and commissioned in the Army of the United States, ordered into Federal service as herein provided, shall be ordered to active duty under such appointments and commissions: *Provided*, That those officers and warrant officers of the National Guard who do not hold appointments in the National Guard of the United States and commissions in the Army of the United States may be appointed and commissioned therein by the President, in the same grade and branch they hold in the National Guard.

"Officers and enlisted men while in the service of the United States under the terms of this section shall receive the pay and allowances provided by law for officers and enlisted men of the reserve forces when ordered to active duty, except brigadier generals and major generals, who shall receive the same pay and allowances as provided by law for brigadier generals and major generals of the Regular Army, respectively. Upon being relieved from active duty in the military service of the United States all individuals and units shall thereupon revert to their National Guard status.

"In the initial mobilization of the National Guard of the United States, war-strength officer personnel shall be taken from the National Guard as far as practicable, and for the purpose of this expansion warrant officers and enlisted men of the National Guard may, in time of peace, be appointed officers in the National Guard of the United States and commissioned in the Army of the United States."

SEC. 20. That section 112 of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"SEC. 112. Rights to pensions: When any officer, warrant officer, or enlisted man of the National Guard or the National Guard of the United States called or ordered into the service of the United States, or when any officer of the Officers' Reserve Corps or any person in the Enlisted Reserve Corps ordered into active service except for training, is disabled by reason of wounds or disability received or incurred while in the active service of the United States, he shall be entitled to all the benefits of the pension laws existing at the time of his service; and in case such officer or enlisted man dies in the active service of the United States or in returning to his place of residence after being mustered out of service, or at any other time in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws."

SEC. 21. That paragraph 7 of section 127a of said act be, and the same is hereby, amended by striking out the same and inserting the following in lieu thereof:

"PAR. 7. In time of war any officer of the Regular Army may be appointed to higher temporary grade without vacating his permanent appointment. In time of war any officer of the Regular Army appointed to higher temporary grade, and all other persons appointed, as officers, shall be appointed and commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate: *Provided*, That an appointment, other than that of a member of the Regular Army made in time of war, shall continue until six months after its termination and an officer appointed in time of war shall be entitled to discharge within six months after its termination if he makes application therefor."

Mr. COLLINS. Mr. Speaker, I demand a second.

Mr. JAMES of Michigan. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] is recognized for 20 minutes and the gentleman from Mississippi [Mr. COLLINS] is recognized for 20 minutes.

Mr. JAMES of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. SPEAKS].

Mr. SPEAKS. Mr. Speaker, I ask not to be interrupted while I make a brief statement on this bill.

Mr. HUDDLESTON. Mr. Speaker, this is a very important measure. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama [Mr. HUDDLESTON] makes the point of order that there is not a quorum present. Evidently there is not a quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 44]

| | | | |
|---|---|---|---|
| Baird | Douglas, Ariz. | Jonas, N. C. | Prall |
| Beck | Doyle | Kemp | Pratt, Ruth |
| Bell | Drewry | Kiefner | Rowbottom |
| Black | Evans, Calif. | Kunz | Rutherford |
| Blackburn | Fenn | Langley | Shaffer, Va. |
| Brunner | Fort | Lanham | Simms |
| Buchanan | Fuller | Larsen | Spearing |
| Busby | Garrett | Linthicum | Sproul, Kans. |
| Butler | Goodwin | McCormack, Mass. | Stevenson |
| Byrns | Graham | McCormick, Ill. | Stobbs |
| Celler | Hall, Miss. | Mansfield | Sullivan, N. Y. |
| Clark, Md | Halsey | Michaelson | Sullivan, Pa. |
| Cooke | Hancock, N. Y. | Murphy | Taylor, Colo. |
| Coyle | Hancock, N. C. | Nelson, Wis. | Thompson |
| Craddock | Hoffman | O'Connor, La. | Wigglesworth |
| Davis | Hudspeth | Oliver, N. Y. | Wolfenden |
| Dickinson | Johnson, Okla. | Palmisano | Wurzbach |

The SPEAKER. Three hundred and sixty-one Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

Mr. SPEAKS. Mr. Speaker and Members of the House, the main purpose of this bill is to make the National Guard immediately subject to the President's orders whenever Congress shall declare war or other national emergency, requiring military forces in excess of the Regular Army.

The bill calls for no wide departure from the system prevailing in our Military Establishment since the formation of the Government, and in reality is a step in the direction of reestablishing the defense plans created by the fathers.

The measure does not contain a word or provision which will in any manner create friction or discord between the various branches of the service, nor does it in any respect encroach upon the duties, prerogatives, or prestige of the regular Military Establishment.

The bill calls for no appropriation and will in no wise increase expenditures for national defense purposes. As a

matter of fact it will result in a saving when the guard is ordered for Federal duty.

The changes in the national defense act, which it is desired to accomplish through this measure, require minor amendments to a number of sections, but the principal alterations involve only a few sections. It contains some 26 pages and may appear somewhat complicated, but in reality it is very simple and easily understood after casual consideration.

Many Members will recall the delays and confusion heretofore experienced when mustering the National Guard into Federal service in times of national emergencies. When called for duty in the Spanish-American War, the Mexican border troubles and the World War much valuable time was lost in placing the guard at the disposal of the President, and in many instances units were completely disrupted, with consequent demoralization, disappointments, and loss of morale.

Through this bill it is proposed that in addition to its existence and duties as a State force the guard shall have a permanent Federal status for emergency purposes, and in the latter case to be known as the National Guard of the United States.

This arrangement will obviate the present drafting and mustering in of the guard in times of national emergency, this process being necessary by reason of the fact that the enlisted personnel and such of its officers as are not commissioned in the Officers' Reserve Corps have a militia status only and are available only as militia.

Enactment of this bill will accomplish the following purposes:

First. Upon the declaration of a national emergency by Congress, and without the necessity of draft legislation the National Guard will be immediately available as a reserve component of the Army of the United States.

Second. Upon the conclusion of such emergency it restores the guard to the respective States with its Federal status terminated, without the expense and demoralization incident to demobilization, and the consequent loss of military status.

Third. Pending the declaration of such an emergency, control of the guard by the respective States is unaffected and in no manner impaired.

The bill as amended has the approval of the War Department which recommends its enactment into law. It is also approved by the Adjutants General Association of the United States, composed of those officials who, under direction of the governors, speak for the people of the various States with respect to military matters, and finally by the National Guard Association of the United States, composed of officers from every State in the Union.

The guard organizations referred to embrace within their commissioned personnel many able lawyers and judicial officials of high standing who have carefully studied every legal phase of the measure and consider it entirely sound from a constitutional standpoint.

Under the proposed plan the governor of each State, in time of peace, will continue as commander in chief of the guard of his State, retaining complete control and supervision of the organization in the same manner as he does under existing laws and regulations. There will be no limitation on his authority to use the guard as he does at the present time.

But, when Congress declares war or a national emergency, the President may immediately order into Federal service the entire guard or such portion of it as may be necessary, when the organizations will respond with their units and personnel intact.

When the emergency has disappeared the organizations will be returned to their respective States intact, and again be under the control of the governors. Under the regulations governing at present when relieved from Federal service the guard loses its military status and must be reorganized.

The bill comes to Congress in the nature of a plea from the National Guard of the entire country with the request that it be enacted into law. In view of a long record of efficient service in State and Nation, and especially after recalling the historical fact that the guard furnished 11 of the 29 divisions which the United States placed on the battle front in France and Belgium, it is felt that the citizen soldiery should have a more definite and permanent status as a part of our first-line defense forces.

Mr. COLLINS. Mr. Speaker, I yield myself 10 minutes.

Ladies and gentlemen of the House, this is one of the most important bills that has engaged the attention of this Congress. It is farcical to consider it with only 20 minutes debate to the side and without the membership being permitted to offer any amendments. There is not a man or woman in the House who understands the bill. It was not even read section by section in the committee. Even the members of the Military Affairs Committee do not know the effects that will flow from its passage.

It covers 28 printed pages and embraces about 150 amendments to the national military defense act. In many instances it literally rapes that provision of the Constitution giving certain powers to the States over their own militia. I therefore think Congress could well afford to wait until the December session of Congress before passing this bill. I can see no good that can come from passing it without any consideration—and consideration is impossible here to-day.

In brief, this bill makes the civilian components of the Army a part of the Army of the United States. These civilian components of the Army, including the militia, become at once a part of the Army of the United States. To make the State militia a part of the Army of the United States, with full power vested in the War Department for its control and management in peace time, is a direct violation of that part of section 8 of Article I of the Constitution of the United States which provides that the Congress shall have power—

> To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

It is literally impossible in the short time at my disposal to discuss every paragraph in this bill. However, I shall undertake to discuss certain parts of some of these paragraphs merely for the purpose of acquainting the Congress with some of the provisions of the bill and their effects if it should become a law.

(1) From section 2 of the bill I quote the following:

> All policies and regulations affecting the organization, distribution, training, appointment, assignment, promotion, and discharge of officers of the Organized Reserves shall be prepared by committees of the proper branches of the War Department General Staff to which shall be added an equal number of officers from the Organized Reserves, whose names are borne on lists of officers suitable for such duty, submitted by the governors of their respective States and Territories, and for the District of Columbia by the District Commissioners: *Provided*, That when the subject to be studied affects the National Guard of the United States or the National Guard and the Organized Reserves, such committees shall consist of an equal representation from the Regular Army, the National Guard of the United States, and the Organized Reserves. There shall be not less than 10 officers on duty in the War Department General Staff, 5 of whom shall be from the National Guard of the United States and 5 from the Organized Reserves; and if the service of any officer on such duty is satisfactory, the period of such War Department General Staff duty shall with his consent be not less than two years. For the purpose specified herein such officers shall be regarded as additional members of the General Staff while so serving.

This section deals with the Organized Reserves which are distinctly a Federal civilian branch of the Army. The States have no control whatever over it, but this section provides that the policies and regulations affecting the organization, distribution, training, appointment, assignment, promotion, and discharge of officers of the Organized Reserves shall be prepared by committees of the proper branches of the War Department General Staff together with an equal number of officers from the Organized Reserves.

The committee dealing with the militia or the Organized Reserves will consist of 10 Regular Army officers and 5 officers from the Organized Reserves and 5 officers from the militia.

Since a National Guard officer is likewise a reserve officer, it is possible that the five officers from the Organized Reserves may likewise be militia officers. This would result in a committee consisting of 10 Regular Army officers and 10 officers from the State militia. Such procedure would have the added result of placing the militia in charge of policies and regulations affecting the Organized Reserves which is distinctly a Federal organization. Certainly such a provision as this is a violation of the spirit if not the letter of the Constitution.

This quoted paragraph also provides that if the service of any officer on such duty is satisfactory, the period of duty shall with his consent be not less than two years. Of course, somebody or some agency must determine whether or not such duty is satisfactory. I submit that the statute is blank as to the determining authority.

(2) In Section 3, this language appears:

All persons appointed in time of peace, in the Officers' Reserve Corps are reserve officers and shall be commissioned in the Army of the United States.

Under existing law, officers in the Reserve Corps are commissioned as reserve officers. Under this provision they would be made officers in the Army of the United States, and ultimately this would mean an enormous increase in the number of Regular Army officers which would ultimately carry with it the pay and prerequisites received now by Regular Army officers.

(3) Also in section 3 this is found:

In time of peace an officer of the Officers' Reserve Corps must at the time of his appointment be a citizen of the United States or of the Philippine Islands between the ages of 21 and 64 years.

This provision means that a great many old men unfit for the duties of soldiering would be commissioned in the Army of the United States. It is well known by experience as reflected in all regulations of all of the countries of the world that the proper ages for soldiers is between 18 and 35. Some have deemed it advisable to make the age limit 45 years, but those persons over 45 as a class are unfit for military duty, and no act should be allowed to pass permitting an individual to be commissioned an officer in the Army of the United States who is 64 years old. That is the age at which officers in the Regular Army are now retired, and certainly persons so old should not be taken initially into our combat forces.

(4) This language appears in section 3:

Any person who has been an officer of the Army of the United States at any time between April 6, 1917, and June 30, 1919, or who is or has been an officer of the Regular Army at any time may be appointed in the Officers' Reserve Corps in the highest grade which he held or now holds or any lower grade.

This provision likewise merely means that a large number of former officers can be taken into the Officers' Reserve Corps, notwithstanding their age limits or their unfitness for service. The Congress should not embark upon such a policy.

(5) Also section 3 includes this language:

No other person shall in time of peace be originally appointed in the Officers' Reserve Corps in the Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Corps in a grade above that of second lieutenant.

This section embraces the fighting units of the Army and provides that if a person is appointed to one of these fighting units, he can not be originally appointed to a grade above that of second lieutenant. But if a person wishes to go into some noncombat unit of the Army where fighting will be foreign to his service, he can be originally appointed to a grade above that of second lieutenant. This section, therefore, gives a distinct advantage to the swivel-chair officer and is a clear discrimination against officers in the fighting units.

(6) From section 3 this language is quoted:

In time of peace original appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Corps shall be limited to officers and former officers of the Regular Army; officers of the National Guard of the United States; graduates of the Reserve Officers' Training Corps, as provided in section 47 (b) hereof; warrant officers and enlisted men of the Regular Army, National Guard of the United States, and Enlisted Reserve Corps; and persons who served in the Army at some time between April 6, 1917, and November 11, 1918.

Among other things, this provision means that every officer of the National Guard can be an officer in the Organized Reserves. In other words, it invests these milita officers with a dual status. An officer should either be an officer in the militia or he should be an officer in the Organized Reserves. He should not be permitted to be an officer in both organizations. Likewise, it would permit men too old for service to be commissioned as officers in the Organized Reserves.

(7) Also in section 3:

Promotions in all grades of officers who have established, or may hereafter establish, their qualifications for such promotion and transfer shall be made under such regulations as may be prescribed by the Secretary of War.

The effect of this provision is to put into the hands of the Secretary of War the power to promote militia officers in spite of the provisions of the Federal Constitution which reserves "to the States, respectively, the appointment of officers."

(8) In section 4 this language appears:

*Provided*, That officers of the National Guard of the United States ordered to active duty shall be paid out of the whole fund appropriated for the support of the National Guard.

This makes all Federal funds appropriated for the support of the guard interchangeable. If money were appropriated for uniforms, it could be expended for pay. Congress certainly should not force itself to make provisions for lump-sum appropriations. This is a step in that direction. Congress should appropriate money for direct purposes and not leave the allocation of funds to interested persons. This is a duty that rests entirely upon Congress, and Congress should exercise it.

(9) The following is from section 5:

All persons appointed, in time of peace, officers in the National Guard of the United States are reserve officers and shall be commissioned in the Army of the United States. Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate.

This language provides that a militia officer is an officer in the Army of the United States, and gives the power of appointment to the President. The very fact that these militia officers are likewise called officers of the National Guard of the United States can not keep them from being militia officers. They are officers in the various State militia and under the terms of section 8 of Article I of the Constitution of the United States their appointment is reserved to the States. The President of the United States has no authority whatever over their appointment, and any effort to change their status directly or indirectly is a violation of both the spirit and the letter of the Constitution.

(10) The following language appears in section 6:

The National Guard of each State, Territory, and the District of Columbia shall consist of members of the militia voluntarily enlisted therein, who upon original enlistment shall be not less than 18 nor more than 45 years of age, or who in subsequent enlistment shall be not more than 64 years of age, organized, armed, equipped, and federally recognized as hereinafter provided, and of commissioned officers and warrant officers who are citizens of the United States between the ages of 21 and 64 years: *Provided*, That former members of the Regular Army, Navy, and Marine Corps under 64 years of age may enlist in said National Guard.

This section is an exercise of control over the militia of the various States in time of peace, which Congress has no right to exercise under the Constitution. Even if the Congress did have the right to prescribe the ages of members of the militia, the maximum age of 64 is too high. It follows that Congress should not permit enlistments at that advanced age. The use of modern fighting implements is incompatible with advanced age, and every worthwhile authority on the making of modern armies recognized this. The Congress should not countenance an effort to add personnel and pay to individuals who are unfit for serious military duty.

(11) Section 9 is taken up merely with the oath of men enlisted in the National Guard of the various States, and is as follows:

I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard of the State of ——— and in the National Guard of the United States for a period of three (one) years, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear or affirm that I will bear true faith and allegiance to the United States of America and to the State of ———; that I will serve them honestly and faithfully against all their enemies whomsoever; that I will render military service to the United States of America in obedience to a lawful order of the President in the event of a declaration of war or other national emergency by Congress or a lawful call of the President for the purpose of executing the laws of the Union, suppressing insurrection, or repelling invasion; that I will continue to render such service in obedience to the call and orders of the President and of the officers by him appointed over me until such emergency shall have been duly declared to have ceased to exist or until I shall have been relieved from such service or shall have been discharged by proper authority; and that I will obey the orders of the Governor of the State of ———, and of the officers by him appointed over me, at all times when I am not in the active military service of the United States under the call or order of the President.

This oath not only violates that provision of the Constitution which concerns the control of the State militia when it is not in the service of the United States but likewise would make a failure to attend trials, training camps, and other well-known military duties subject to court-martial, and all laws providing for fine, imprisonment, and other punishments. I submit that this is a violation of congressional authority. The State militia is purely a voluntary State organization and the Federal Government should not encroach upon the constitutional control that should be rightly exercised by the States.

(12) Section 10, among other things, provides:

National Guard of the United States means a reserve organization of the Army of the United States composed of those persons duly appointed and commissioned in the National Guard of the several States, Territories, and the District of Columbia who have taken and subscribed to the oath of office prescribed in section 73 of this act, and who have been duly appointed by the President in the National Guard of the United States, as provided in this act, and of those officers and warrant officers appointed as prescribed in sections 75 and 111 of this act, and of those persons duly enlisted in the National Guard of the United States and of the several States, Territories, and the District of Columbia who have taken and subscribed to the oath of enlistment prescribed in section 70 of this act.

This provision, as do several others, treats the State militia as a dual organization; it gives the State militia a dual status—first, as a State organization; and, second, as a national organization. It is my opinion that under the terms of the Constitution it is purely a State organization except that it can be called into Federal service in certain emergencies, but even when called into Federal service in certain emergencies it is still a State organization and no sort of legislative legerdemain can ever make it anything but a State organization. Any attempt to make it a Federal organization is a violation of the constitutional right of the States. Certainly the right to appoint its officers by the President is a plain violation of the written words of the Constitution. To illustrate: Suppose the President should decline to commission certain officers in the militia of a certain State that had been commissioned by the governor, then the Federal Government would withdraw the Federal support that was given for State militia organizations merely because the governor refused to recognize the power of the President of the United States to appoint officers of that State organization, and the State would be forced to accept the President's appointees. Assuredly no one can say that such action, if attempted, is not a violation of that provision of the Constitution reserving to the States the power of appointment of the officers of the militia.

(13) Section 11 provides:

An enlisted man discharged from service in the National Guard of the United States shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the Secretary of War may prescribe.

This is just another invasion of the constitutional rights of the States. The Congress has no right to designate a form of discharge for enlisted men in the militia of the several States and the Congress has also no right in time of peace to designate the Secretary of War as the proper person to determine the terms of enlistment for enlisted men of the militia of the several States.

(14) In section 13 we find this language:

The provisions of this act shall not apply to any person hereafter appointed as an officer of the National Guard of the United States unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for appointment shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both.

Certainly the Congress has no right to provide for the physical, moral, and professional fitness of officers of the militia of the various States. As has been pointed out by me already several times, the appointment of officers in the militia is reserved to the States. This section violates that provision of the Constitution by providing that the board of three commissioned officers in the Regular Army or the National Guard of the United States, or both, shall determine the physical, moral, and professional fitness of the officers of the militia of the several States.

The fact that the militia of the various States is also called the National Guard of the United States does not change the situation one whit notwithstanding the name that this statute undertakes to give the militia of the various States. Any effort to change their status by evasion or otherwise for the purpose of enabling the President through a board to determine the test for qualifications of the officers of the militia of the various States is a violation of the Constitution. This provision likewise is bad because it would create a conflict between the Federal and State authorities as to the fitness of officers. If these authorities differed and the State authorities failed to accede to the wishes of the Federal authorities the Federal support would be withdrawn. So in the end the control rests entirely with the Federal authority. A board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both, is created. These determining officers might be all from the Regular Army, National Guard, or both. If the National Guard of the United States is a State organization, the Federal Government has no power over it. If it is a national organization then National Guard officers have no control over it. Therefore, this provision likewise is an invasion of constitutional authority.

(15) Section 14, in part, provides:

Under such regulations as the President shall prescribe, the capacity and general fitness of any officer or warrant officer of the National Guard of the several States, Territories, and the District of Columbia for continued Federal recognition may at any time be investigated by an efficiency board of officers senior in rank to the officer under investigation, appointed by the Secretary of War from the Regular Army or the National Guard of the United States, or both.

This likewise is an unwarrantable and unconstitutional control by the Federal Government of the militia of the various States.

(16) Section 16 creates an inactive National Guard. I have not been able to find out what that is unless it is just another attempt to create an organization purely for the purpose of molding a military-mindedness in this country. It certainly could not be called upon for active duty. This section, in part, is as follows:

Under such regulations as the Secretary of War may prescribe, enlisted men of the active National Guard may be transferred to the inactive National Guard; likewise enlisted men hereafter enlisted in or transferred to the inactive National Guard may be transferred to the active National Guard: *Provided*, That no enlisted man shall be required to serve under any enlistment for a longer time than the period for which he enlisted in the active or inactive National Guard, as the case may be. Members of said inactive National Guard, when engaged in field or coast-defense training with the active National Guard shall receive the same Federal pay and allowances as those occupying like grades on the active list of said National Guard when likewise engaged.

I can see how it would be possible for the States to form an inactive National Guard, but for the Federal Government to do so also seems to me an invasion of State author-

ity. Certainly the creation of another unit such as is contemplated here is a foolish and dangerous undertaking. Its creation is solely for the purpose of adding useless personnel to the Federal pay roll under the pretext of national military defense.

(17) A part of section 17 is as follows:

The pay and allowances provided in this section for the Chief of the National Guard Bureau and for the officers assigned to duty from the National Guard of the United States shall be paid out of the whole fund provided for the support of the National Guard.

This provision also gives authority to use the whole fund provided for the support of the National Guard for pay and allowances of the Chief of the National Guard Bureau and other officers from the National Guard assigned to active duty in times of peace. It should provide that they be paid out of appropriate appropriations made for that purpose, otherwise Congress would have no power over such expenditures.

(18) Also, in section 17 we find this language:

The Chief, National Guard Bureau, shall be responsible for the preparation of the annual budget for the National Guard.

Of course, the Congress does not want to give to the Chief of the National Guard Bureau the power to prepare the annual Federal Budget for the National Guard, and I take it that no one in this House has any sympathy for this proposal.

(19) This section is as follows:

When any officer, warrant officer, or enlisted man of the National Guard or the National Guard of the United States called or ordered into the service of the United States, or when any officer of the Officers' Reserve Corps or any person in the Enlisted Reserve Corps ordered into active service except for training, is disabled by reason of wounds or disability received or incurred while in the active service of the United States, he shall be entitled to all the benefits of the pension laws existing at the time of his service; and in case such officer or enlisted man dies in the active service of the United States or in returning to his place of residence after being mustered out of service, or at any other time in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

This section gives rights of pensions existing at the time of service to those officers, warrant officers, and enlisted men of the National Guard who are disabled by reasons of wounds or disabilities received or incurred in service provided they are not disabled while in military training. In other words, officers holding desk jobs who are injured for any reason are given rights to pensions, but officers and men who are training for worth-while military service, if injured, are not entitled to rights to pensions. If either class is to be preferred, certainly those that are injured in training for military service are the ones whose disability should be compensated for by the Government. If this section is enacted into law and is a constitutional exercise of congressional power, the time is only a short distance away when those in military training will demand the same rights and, in justice, will be given them. This will mean the giving of pension benefits to approximately 200,000 additional persons and in a very short while, a very much larger number.

If this bill is enacted into law and the officers of the militia are commissioned as officers in the Army of the United States, as is provided for in this bill, they will demand that the Congress give them the same retirement benefits that are provided now for officers of the Regular Army of the United States; and in view of the powerful political influence that the militia of the various States can exercise, the Congress will not hesitate to accord to these officers the same retirement privileges and ultimately the same pay and perquisites now granted officers in the Regular Army. I submit that our Army is already too large. Including the civilian organizations, we have in our Military Establishment now in excess of 800,000 men. A fraction less than 150,000 of these are in the Regular Army. The rest are civilian units and are part of our civilian population. I certainly do not want to see a unit such as the National Guard taken bodily into the Regular Army of the United States. Not because I have anything against the National Guard. I have not. I merely do not want to see the Regular Army increased by approximately 200,000 men by any such proposed unconstitutional methods. Of course, if this bill is enacted into law, it will not at once bring the entire 200,000 men now in the National Guard into the Regular Army of the United States, but ultimately it will, and in relatively a very short time.

Ladies and gentlemen of the House, I hope I have pointed out in the very short time at my disposal objections to this bill that will at least make the majority of you doubtful as to the wisdom of its enactment. Certainly it should not be passed in its present form. There is no immediate danger that can come to the country by waiting until Congress convenes again when we will have sufficient time to study the bill thoroughly and to give it the consideration that a measure of its consequence should have at the hands of thoughtful legislators. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has again expired.

Mr. COLLINS. Mr. Speaker, I reserve the balance of my time.

Mr. JAMES of Michigan. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. McSWAIN], a member of the committee.

Mr. McSWAIN. Mr. Speaker and Members of the House, on February 23 the distinguished gentleman from Pennsylvania [Mr. BECK] discussed what he conjectured might be the view of George Washington with reference to certain present-day political and economic problems. This, of course, was pure guesswork, but I think we can say to-day with certainty that if George Washington were here to-day he would be in favor of this bill [applause], because this bill is essentially the very proposition that George Washington submitted to the Continental Congress on May 1, 1783, and the same suggestion that he submitted to the First Congress that convened under the Constitution in April, 1789. [Applause.] The records show this.

A most magnificant discovery of the hitherto dust-concealed unpublished manuscripts of George Washington by Gen. John McA. Palmer, United States Army, retired, published in the book that lies on the desk there [indicating] known as "Washington, Lincoln, and Wilson, the Three War Presidents," gives the attitude of Washington as to what should constitute "a well-regulated militia" and thus Washington's views are established beyond doubt.

The first few Congresses did not enact the law that Washington desired. The first few Congresses were so jealous of the concentration of authority, they reflected so fully the sentiment of great, noble, patriotic men like Patrick Henry, that they would not permit the Federal Government to have that direct control over the National Guard, then called the militia, that is now deemed to be necessary to insure efficiency and economy of preparedness.

Ladies and gentlemen of the House, this measure is the desire of the National Guard officers of the United States, having in view the recent experiences of the World War. You remember that there was great bitterness of feeling by the National Guard officers against the Regular Army officers as a result of the scrambling process that went on with reference to the National Guard organizations that were drafted into the service of the United States. [Applause.] National Guard organizations long established in popular affection were disrupted and lost their identity. Officers and men were drafted into the service as individuals and not as organizations. These volunteers who had been training for years to fight together and officers known to them and their families and loved ones, were scattered through several other different organizations. This was demoralizing and disappointing. It meant low morale. Then when the war was over and the Army demobilized, they were discharged as individuals and, organizations over 100 years old no longer existed and the National Guard had to be reorganized entirely. This bill of General Speaks, who has given over 40 years of his life to work in and with the National Guard, whose work for 10 years in Congress has been devoted to reforming these evils, will prevent these things from happening again.

Mr. JAMES of Michigan. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Speaker and gentlemen of the House, this bill, if enacted into law, will in no way affect the status of the National Guard in time of peace in so far as the control of the States and the governors of the States are concerned.

The main purpose of the bill is to make the National Guard, which to-day, notwithstanding what was said by the gentleman from Mississippi [Mr. COLLINS], is a part of the Army of the United States, practically—because the National Guard to-day is practically supported or in a large measure supported by the Federal Government—to make it more available, and available in a smoother fashion for entry into the Federal service in time of war than it is to-day.

Mr. GRIFFIN. Will the gentleman yield?

Mr. WAINWRIGHT. I can not yield, having such a short time at my disposal.

The principal point of this bill is embodied in section 19, which changes the provision of the national defense act under which to-day the National Guard is made available for service as part of the armed forces of the United States upon a declaration of war.

To-day, under section 111 of the national defense act, the National Guard can only be inducted or drafted into service as individuals. The National Guard organizations, the regiments and brigades, can not in time of war be drafted into the service of the United States. They can only be taken in as individuals. By this change they will become subject to the orders of the President, so that, without all the machinery and all the confusion and disorganization incident to the draft, they can be ordered into the service of the United States by organizations, and that is all there is to this proposition. [Applause.]

This bill is asked for in an abundance of patriotism, realizing the part they must inevitably play in time of war, by the National Guard itself; it is their own bill. It comes to Congress from the national organization of the National Guard. They themselves want to be put in this relation to the Federal Government. It has the approval of the War Department. Every National Guard officer is for this bill, and it should pass, gentlemen. It should, in the interest of the national defense, become the law. [Applause.]

Mr. JAMES of Michigan. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Speaker, I am in favor of this bill. Every officer and a great many of the men who served in the Twenty-sixth Division in France, who are now in the present National Guard in Massachusetts, say they want this bill. It does away with this old political business that we have in every State which has a National Guard, of political influence and appointing social lights as officers when you want soldiers. This bill will do away with the social business and give us real soldiers in the National Guard, and I am in favor of it. [Applause.]

Mr. JAMES of Michigan. Mr. Speaker, I yield one-half minute to the gentlewoman from California [Mrs. KAHN].

Mrs. KAHN. Mr. Speaker, to me the attitude of many people on this bill is absolutely incomprehensible. We pride ourselves on the fact that our strongest line of defense is our citizen soldiery; that is the main reason we do not need a large standing army; and whenever an opportunity arises to help out and to strengthen our real line of defense—our citizen soldiery—we meet opposition from every side. [Applause.]

Mr. JAMES of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. HILL].

Mr. HILL of Alabama. Mr. Speaker, the gentleman from Mississippi [Mr. COLLINS] has held up this bill and stated that it contains 28 pages and condemned it as if it marked some great departure from our present system of national defense.

The truth is, gentlemen, that these 28 pages constitute almost entirely a reenactment of the law as it exists to-day. No power is conferred by this bill upon the President or the Secretary of War, except perhaps in some very minor way, that the President or the Secretary of War does not have to-day.

The Federal Government is contributing each year over $30,000,000 to the maintenance of the National Guard of the United States, and in view of this contribution, of course, the Federal Government exercises certain supervisory and certain regulatory powers with reference to the guard.

The gentleman from Mississippi says that the bill will open the door wide for all kinds of salaries, pensions, and retirement claims. Nothing of the sort can come out of this bill, because the bill only becomes effective when war or a national emergency has been declared by the Congress. The gentleman from Ohio, General SPEAKS, has stated to you clearly and succinctly the major and dominant purpose of this bill. I shall not attempt in the brief time allotted me to reiterate

The able gentleman from South Carolina [Mr. MCSWAIN] has referred to the fact that this bill embodies the views voiced by George Washington. While still in command of the Continental Army General Washington prepared, at the request of Congress, his sentiments upon a peace establishment for the new Republic. Before complying with the request General Washington called upon all the generals at or near his headquarters for their written opinions. Their replies may be seen to-day in volume 219 of the Washington Papers in the Library of Congress. Among these documents are papers by Pickering, Putnam, Knox, and Baron von Steuben. After digesting the papers submitted to him by his trusted officers, General Washington wrote his own views in the matter under the title "Sentiments on a Peace Establishment." The Revolutionary War had been won by the Continental Army, which was an army of citizen-soldiers, and the modern prototype of which is our National Guard to-day. This bill would carry out the views of General Washington and give us a "well-regulated militia," as he so forcefully urged. It is in line with the policy of national defense which General Washington admonished us to adopt and which he so aptly expressed when he said that we should assume a "respectably defensive posture."

This bill comes before the House to-day largely because of the untiring efforts of its author, the gentleman from Ohio [Mr. SPEAKS]. There is, I am sure, no man in the Congress who has had a longer or more varied experience in the National Guard than he has. For 40 years he served in the guard of his native State of Ohio, entering as a private and rising at last to the high command of brigadier general. He served with the flag in the Spanish-American War, in the Mexican border trouble, and in the World War. All three of his sons answered the call in 1917, one serving with the Navy and the other two serving with the American Expeditionary Forces in France. On next Wednesday, having attained his seventy-third year, General SPEAKS leaves the Congress. I know that I voice the sentiment of all the Members of this House, Democrats as well as Republicans, when I say that it is with deep regret that we bid him adieu. A splendid citizen, a devoted patriot, a faithful legislator, a loyal friend of the people—in the words of Dryden—

> His name, a great example, stands to show how strangely high endeavor may be blessed where piety and valor jointly go.

[Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JAMES of Michigan. I yield to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Speaker, I am heartily in favor of this bill. In every war in which this country has been engaged we have had to depend on our citizen soldiery. This bill is approved by the War Department, the adjutant generals of all the States, and the National Guard Association. I trust that the motion to suspend the rules and pass the bill will prevail by a large majority. [Applause.]

Mr. COLLINS. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker and gentlemen of the House, this bill is another step toward the nationalization

of the National Guard and the wiping out of the State militia. How any Member from South Carolina or Alabama can defend this bill, in view of their historic position in upholding the rights of the States I can not conceive. Your forbears unsheathed the sword and sacrificed your all for the maintenance of the rights of the States, and also incidentally the right to maintain the militia inviolate.

Here in this bill the oath is changed materially, as it will appear in the report on page 5, whereby the National Guard man in taking the oath obligates himself to be subject to call in defense of insurrections, which means all kinds of local disturbances, no matter in what part of the country they occur.

My greatest fear is that you are going to discourage enlistments in the National Guard, because when you pass this bill you make the National Guard a part of the National Army of the United States, subject to the call of the President.

Now a transfer of the National Guard is only possible in time of war. If you look on page 10 of the report, you will see that the provision relating to pensions, by which they are only entitled to pensions in time of war, has been stricken out.

This bill, against my protest from the moment of its consideration by the committee, has not received the attention it deserved. I challenge any one of my colleagues on the Military Affairs Committee to say that this bill has at any time been read in the committee paragraph by paragraph. It was not. The bill was reported last June 30; it was referred back only the other day for the first report from the War Department.

The War Department recommended some minor amendments. Naturally the War Department would like to transfer the National Guard into the Regular Army, as this bill proposes to do automatically in time of emergency.

I am thinking what is best for the interests of the National Guard, what is best for the State militia. I do not want any of my boys to refrain from enlisting in the National Guard for fear that when they enlist in the National Guard they enlist in the Army of the United States. That is my fundamental objection to this bill, because when you pass the bill you make the National Guard no longer a State militia, but you make it a part of the National Army.

Mr. SHORT of Missouri. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SHORT of Missouri. If this bill works such hardships on the members of the National Guard, why is it that the National Guard is practically unanimously in favor of it?

Mr. STAFFORD. Oh, it is the right to certain perquisites, for example to pensions. On page 10 of the report the gentleman will find that. They are entitled to pensions now only in time of war. That has been stricken out. Of course it is natural for these officers to aggrandize themselves the same as everybody else. They want the same benefits and privileges as pertain in the National Army. This bill tends strongly in that trend.

Mr. SHORT of Missouri. Why should not they have them when they are a part of the defense.

Mr. STAFFORD. They want to be part and parcel of the National Army, to obliterate State lines. I appeal to you people from the South, and to you people from the North, who still favor the State militia not to have it become part and parcel of the National Army as this bill provides.

The SPEAKER pro tempore (Mr. HOOPER). The time of the gentleman from Wisconsin has expired.

Mr. JAMES of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. SPEAKS].

Mr. SPEAKS. Mr. Speaker, it has been stated that the bill proposes Federal pensions for National Guard men who may become disabled during peace-time service. This statement is not true. Members of the guard are not eligible to receive Federal pensions except when disabled while in Federal service during war or other national emergency declared by Congress. [Applause.]

Mr. CHIPERFIELD. Mr. Speaker, will the gentleman yield?

Mr. SPEAKS. I yield.

Mr. CHIPERFIELD. Does the gentleman know of any reason that has ever been advanced why any man should be trained in the National Guard at the expense of the Federal Government and not respond to his Government's call in time of need? [Applause.]

Mr. SPEAKS. No reason in the world, except the absence of legislation such as is purposed herein. That is the purpose of this bill. The National Guard or Organized Militia in a sense is part of our national defense forces, but under existing law the organization is greatly demoralized by the archaic method of inducting them into Federal service. With respect to the Militia Bureau referred to by the gentleman from Mississippi [Mr. COLLINS] the bill changes the name to the National Guard Bureau, thus conforming to the general designation of the guard. The War Department objected to the chief of this bureau preparing the guard budget and that provision was stricken out. The War Department continues to have final authority in this matter regardless of the statement to the contrary by the gentleman from Mississippi [Mr. COLLINS].

Mr. NELSON of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SPEAKS. I can not yield. The gentleman from Mississippi [Mr. COLLINS] criticizes the provision authorizing representatives of the guard to participate in the preparation of regulations for the government of the guard. All that is provided in this bill is that when policies affecting the National Guard are being considered a representation from the guard shall be a part of the War Department committee making the study and determining what the regulations shall be. The desirability of this arrangement is certainly apparent and this cooperation is desired by the War Department.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. SPEAKS. I yield.

Mr. GRIFFIN. The gentleman says there is nothing in this bill entitling an officer to a pension.

Mr. SPEAKS. Not unless he is disabled while in Federal service during a national emergency.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired. All time has expired. The question is on the motion of the gentleman from Michigan that the rules be suspended and the bill do pass.

The question was taken; and on a division (demanded by Mr. COLLINS) there were—ayes 131, noes 33.

Mr. COLLINS. Mr. Speaker, I object to the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and eighty-three Members present; not a quorum. The Clerk will call the roll. The question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill.

The question was taken; and there were—yeas 304, nays 49, answered "present" 1, not voting 77, as follows:

[Roll No. 45]

YEAS—304

| | | | |
|---|---|---|---|
| Abernethy | Brand, Ga. | Christopherson | Davenport |
| Ackerman | Brand, Ohio | Clague | Davis |
| Adkins | Briggs | Clancy | De Priest |
| Aldrich | Brigham | Clark, N. C. | DeRouen |
| Allen | Britten | Clarke, N. Y. | Dickinson |
| Andresen | Browning | Cochran, Mo. | Dickstein |
| Andrew | Brumm | Cochran, Pa. | Dominick |
| Arentz | Buchanan | Cole | Dorsey |
| Arnold | Buckbee | Collier | Doughton |
| Aswell | Burdick | Colton | Douglass, Mass. |
| Auf der Heide | Burtness | Condon | Dowell |
| Ayres | Butler | Connery | Doxey |
| Bacharach | Byrns | Cooke | Drane |
| Bacon | Cable | Cooper, Ohio | Drewry |
| Barbour | Campbell, Iowa | Cooper, Tenn. | Driver |
| Beck | Campbell, Pa. | Corning | Dunbar |
| Beedy | Canfield | Crail | Dyer |
| Beers | Carley | Cramton | Eaton, Colo. |
| Black | Carter, Calif. | Crisp | Eaton, N. J. |
| Blackburn | Carter, Wyo. | Cross | Edwards |
| Bland | Cartwright | Crosser | Elliott |
| Blanton | Chalmers | Crowther | Ellis |
| Bohn | Chase | Culkin | Englebright |
| Bolton | Chindblom | Cullen | Erk |
| Bowman | Chiperfield | Dallinger | Eslick |
| Boylan | Christgau | Darrow | Estep |

| | | | |
|---|---|---|---|
| Esterly | Hull, Tenn. | Martin | Snow |
| Evans, Mont. | Igoe | Merritt | Sparks |
| Finley | Irwin | Michener | Speaks |
| Fish | James, Mich. | Miller | Sproul, Ill. |
| Fisher | James, N. C. | Montague | Stone |
| Fitzgerald | Jeffers | Montet | Strong, Kans. |
| Fitzpatrick | Jenkins | Mooney | Strong, Pa. |
| Foss | Johnson, Ind. | Moore, Ky. | Summers, Wash. |
| Free | Johnson, Nebr. | Moore, Ohio | Swanson |
| Freeman | Johnson, Okla. | Morgan | Swick |
| Gambrill | Johnson, Tex. | Murphy | Swing |
| Garber, Okla. | Johnson, Wash. | Nelson, Mo. | Tarver |
| Garber, Va. | Jonas, N. C. | Newhall | Taylor, Colo. |
| Gasque | Jones, Tex. | Niedringhaus | Taylor, Tenn. |
| Gibson | Kahn | Nolan | Temple |
| Gifford | Kearns | Norton | Thatcher |
| Glover | Kendall, Ky. | Oldfield | Thurston |
| Goldsborough | Kendall, Pa. | Palmer | Tilson |
| Goodwin | Kerr | Parker | Timberlake |
| Goss | Ketcham | Parks | Tinkham |
| Granfield | Kiefner | Perkins | Treadway |
| Green | Kiefzer | Pittenger | Turpin |
| Greenwood | Kopp | Pou | Underhill |
| Gregory | Kvale | Prall | Underwood |
| Guyer | Lambertson | Pratt, Ruth | Vestal |
| Hadley | Langley | Pritchard | Vincent, Mich. |
| Hale | Lankford, Ga. | Purnell | Vinson, Ga. |
| Hall, Ill. | Lankford, Va. | Quin | Wainwright |
| Hall, Ind. | Leavitt | Ragon | Walker |
| Hall, N. Dak. | Leech | Ramey, Frank M. | Warren |
| Hancock, N. C. | Letts | Ramseyer | Wason |
| Hardy | Lindsay | Ramspeck | Watres |
| Hare | Loofbourow | Ransley | Watson |
| Hartley | Lozier | Reece | Welsh, Pa. |
| Hastings | Luce | Reed, N. Y. | White |
| Haugen | Ludlow | Reid, Ill. | Whitley |
| Hawley | McClintick, Okla. | Rich | Whittington |
| Hess | McClintock, Ohio | Robinson | Wigglesworth |
| Hickey | McCormack, Mass. | Rutherford | Williamson |
| Hill, Ala. | McCormick, Ill. | Sanders, N. Y. | Wilson |
| Hoch | McFadden | Sandlin | Wingo |
| Hogg, Ind. | McLaughlin | Seger | Wolverton, N. J. |
| Hogg, W. Va. | McLeod | Selvig | Wolverton, W. Va. |
| Holaday | McMillan | Shaffer, Va. | Woodruff |
| Hooper | McReynolds | Short, Mo. | Woodrum |
| Hope | McSwain | Shott, W. Va. | Wright |
| Hopkins | Maas | Shreve | Wyant |
| Howard | Magrady | Sloan | Yates |
| Hudson | Manlove | Smith, Idaho | Yon |
| Hull, William E. | Mapes | Smith, W. Va. | Zihlman |

NAYS—49

| | | | |
|---|---|---|---|
| Allgood | Hill, Wash. | Oliver, Ala. | Sinclair |
| Almon | Huddleston | Palmisano | Sirovich |
| Bankhead | Kading | Parsons | Somers, N. Y. |
| Box | Kennedy | Patman | Stafford |
| Browne | LaGuardia | Patterson | Steagall |
| Busby | McDuffie | Rankin | Sumners, Tex. |
| Cannon | McKeown | Rayburn | Taber |
| Collins | Mead | Reilly | Tucker |
| Cooper, Wis. | Milligan | Romjue | Welch, Calif. |
| Cox | Moore, Va. | Sabath | Williams |
| Garner | Moorehead | Sanders, Tex. | |
| Gavagan | Nelson, Wis. | Schafer, Wis. | |
| Griffin | O'Connor, Okla. | Schneider | |

ANSWERED "PRESENT"—1

O'Connor, N. Y.

NOT VOTING—77

| | | | |
|---|---|---|---|
| Bachmann | Fuller | Kunz | Sears |
| Baird | Fulmer | Kurtz | Seiberling |
| Bell | Garrett | Lanham | Simmons |
| Bloom | Golder | Larsen | Simms |
| Brunner | Graham | Lea | Snell |
| Celler | Hall, Miss. | Lehlbach | Spearing |
| Clark, Md. | Halsey | Linthicum | Sproul, Kans. |
| Connolly | Hancock, N. Y. | Mansfield | Stalker |
| Coyle | Hoffman | Menges | Stevenson |
| Craddock | Houston, Del. | Michaelson | Stobbs |
| Dempsey | Hudspeth | Mouser | Sullivan, N. Y. |
| Denison | Hull, Morton D. | Nelson, Me. | Sullivan, Pa. |
| Douglas, Ariz. | Hull, Wis. | O'Connor, La. | Thompson |
| Doutrich | Johnson, Ill. | Oliver, N. Y. | Whitehead |
| Doyle | Johnson, S. Dak. | Owen | Wolfenden |
| Evans, Calif. | Johnston, Mo. | Peavey | Wood |
| Fenn | Kelly | Pratt, Harcourt J. | Wurzbach |
| Fort | Kemp | Rainey, Henry T. | |
| Frear | Knutson | Rogers | |
| French | Korell | Rowbottom | |

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

General pairs until further notice:

Mr. Snell with Mr. Mansfield.
Mr. Frear with Mr. Douglas of Arizona.
Mr. Wood with Mr. Brunner.
Mr. Johnson of South Dakota with Mr. Fulmer.
Mr. Knutson with Mr. Lanham.
Mr. Lehlbach with Mr. Oliver of New York.
Mr. Wolfenden with Mr. Linthicum.
Mrs. Rogers with Mrs. Owen.
Mr. Harcourt J. Pratt with Mr. Sullivan of New York.
Mr. Connolly with Mr. Henry T. Rainey.
Mr. Doutrich with Mr. Lea of California.
Mr. Graham with Mr. Kemp.
Mr. Denison with Mr. Celler.
Mr. Coyle with Mr. Larsen.
Mr. French with Mr. Whitehead.
Mr. Golder with Mr. Spearing.
Mr. Sullivan of Pennsylvania with Mr. Hall of Mississippi.
Mr. Halsey with Mr. Fuller.
Mr. Peavey with Mr. Bloom.
Mr. Seiberling with Mr. Garrett.
Mr. Wurzbach with Mr. O'Connor of Louisiana.
Mr. Johnson of Illinois with Mr. Kunz.
Mr. Fenn with Mr. Doyle.
Mr. Korell with Mr. Hudspeth.
Mr. Menges with Mr. Bell.

The result of the vote was announced as above recorded.

The doors were opened.

MATTIE LONG

Mr. UNDERHILL. Mr. Speaker, I present a number of privileged resolutions from the Committee on Accounts.

The SPEAKER pro tempore (Mr. HOOPER). The gentleman from Massachusetts [Mr. UNDERHILL] presents a resolution (H. Res. 372) which the Clerk will report.

The Clerk read as follows:

House Resolution 372

*Resolved*, That there shall be paid, out of the contingent fund of the House, to Mattie Long, sister of Samuel J. Long, late an employee of the House, an amount equal to six months' compensation and an additional amount, not exceeding $250, to defray funeral expenses of the said Samuel J. Long.

The resolution was agreed to.

GRAFTON E. JACKSON

The Clerk read the next resolution, as follows:

House Resolution 381

*Resolved*, That there shall be paid out of the contingent fund of the House of Representatives to Grafton E. Jackson, son of Lloyd Jackson, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding $250 to defray the funeral expenses and last illness of the said Lloyd Jackson.

The resolution was agreed to.

ADDITIONAL CLERICAL SERVICES IN ENROLLING ROOM

The Clerk read the next resolution, as follows:

House Resolution 382

*Resolved*, That there shall be paid out of the contingent fund of the House, during the remainder of the present session, an amount not exceeding $200 for additional clerical services in the enrolling room.

The resolution was agreed to.

JAMES W. BOYER, JR.

The Clerk read the next resolution, as follows:

House Resolution 347

*Resolved*, That there be paid out of the contingent fund of the House $600 to James W. Boyer, jr., for extra and expert services as expert legal examiner to the Committee on World War Veterans' Legislation during the third session of the Seventy-first Congress.

With the following committee amendment:

In line 4, after the word "legislation," strike out "during the third session of the Seventy-first Congress."

The committee amendment was agreed to.

The resolution was agreed to.

AMENDMENT OF THE NATIONAL DEFENSE ACT

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill (H. R. 12918) to amend the national defense act of June 3, 1916.

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

There was no objection.

Mr. GRIFFIN. Mr. Speaker, it is because I am so heartily in sympathy with the main purpose of this bill that I feel constrained to protest against its consideration in these closing hours of the session when the House is so impatient that it will not even listen to the debate. This is a signal example of the evils incidental to a set day for adjournment. It recurs in the closing days of every Congress, making the time propitious for the passage of the very worst kind of legislation.

A bill of this importance should have a whole day's consideration. Instead of that, it is called up under a motion

to suspend the rules, which allows only 20 minutes on each side to inform the House of the arguments for and against it and precludes entirely the possibility of correcting errors by amendments.

Outside of the Committee on Military Affairs, which reported this bill, I doubt that there were 10 Members of the House familiar with its provisions.

Not one-half of the House was on the floor when it was debated and not even one-fourth of them could hear the debate owing to the persistent buzzing of conversation in all parts of the Chamber.

Yet when the vote was challenged, because of the want of a quorum, and the bells were sounded the Members came trooping in from the cloakrooms or from their distant offices in the House Office Building and were called upon to make up their minds on the instant on the merits of the bill.

If I had been called upon to vote on this measure when I first entered the Chamber, before I had read the bill consisting of 26 pages and the closely printed report of 21 pages, and before I had listened to the debate, I would unquestionably have voted in the affirmative because all my predelictions were in its favor.

The thing that gave me that bias was a letter from Brig. Gen. Robert J. Travis, vice president of the National Guard Association, in which he purported to indicate its features. He says:

1. It preserves unimpaired control [of the National Guard] by the respective States in time of peace.

Well, that is precisely what it does not do. It practically abolishes the National Guard of the respective States. Read this (sec. 5(b)) on page 2 of the bill:

SEC. 5. (b) All policies and regulations affecting the organization and distribution of the National Guard of the United States, and all policies and regulations affecting the organization, distribution, and training of the National Guard, shall be prepared by committees of appropriate branches or divisions of the War Department General Staff, to which shall be added an equal number of officers from the National Guard of the United States, whose names are borne on lists of officers suitable for such duty, submitted by the governors of their respective States and Territories, and for the District of Columbia by the commanding general District of Columbia National Guard.

What else can this import except the abject surrender to a committee composed of members of the Regular Establishment and a few men from the National Guard—dominated by the War Department General Staff—of the complete control—lock, stock, and barrel—of the National Guard of each and every State?

The surrender or arrogant assumption of control even goes to the extent of permitting the President to appoint all officers below that of brigadier general—see page 7 of bill.

It is true that officers—

Who are in a federally recognized status on the date of the approval of this act * * * shall be transferred to the National Guard of the United States without further examination—

But that only takes care of the "old fellows" that are already in. It is not surprsing then that they should all be in favor of it. But even though a State National Guard organization happens to be federalized, I question the wisdom of taking away from the governors of the respective States the right to issue commissions to the officers of their own State forces, thus inviting intrigue among the Regular Establishment for places of command and renewing the old controversies as to whether a National Guard regiment or battery should be commanded by a National Guard colonel or some shavetail from West Point.

PENSIONS

I venture the thought that the amendment on page 25 of the bill, modifying the pension clause of the national defense act of June 3, 1916, ought to be redrafted. Unless that is done we are opening the door to an ever-increasing host of men who will be entered on the pension rolls for coughs, cold, rheumatic ailments, sprains, cuts, bruises, and other complaints due to their service in times of peace.

I append herewith the new section 112 of the bill, showing the changes. This is taken from page 10 of the report (No. 2058) on this bill:

Section 112 of said act, with the old language struck out shown inclosed in black brackets and the new language shown in italics, reads as follows:

"SEC. 112. RIGHTS TO PENSIONS: When any officer, warrant officer, or enlisted man of the National Guard *or the National Guard of the United States called or ordered* [drafted] into the service of the United States [in time of war], *or when any officer of the Officers' Reserve Corps or any person in the Enlisted Reserve Corps ordered into active service except for training,* is disabled by reason of wounds or disability received or incurred while in the active service of the United States [in time of war], he shall be entitled to all the benefits of the pension laws existing at the time of his service; and in case such officer or enlisted man dies in the active service of the United States [in time of war], or in returning to his place of residence after being mustered out of [such] service, or at any other time in consequence of wounds or disabilities received in such [active] service, his widow and children, if any, shall be entitled to all the benefits of such pension laws."

I ask the sponsors of this bill why the only safeguard against frivolous claims for pensions embodied in the phrase "in time of war" was stricken from the law as it now stands.

While I am wholly and heartily in sympathy with the general purpose of this bill and believe federalization of the National Guard is a good thing in itself, I repeat that a bill of the importance of this should be carefully considered before enactment into law.

In concluding, I desire to pay a tribute to my friend and colleague, Gen. JOHN C. SPEAKS, who introduced this bill on June 2, 1930. His long association with the National Guard of Ohio, his services in the Spanish-American War, on the Mexican border, and the World War entitle his opinions to the highest respect.

It is to be regretted that, although his bill was reported and has been on the calendar of the House since July 2, 1930, he was never given an opportunity to bring it up for consideration until this late day, when the conditions in the House precluded the possibility of its being properly discussed.

RATES OF WAGES FOR LABORERS AND MECHANICS ON PUBLIC BUILDINGS OF THE UNITED STATES

Mr. WELCH of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5904) relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia, by contractors and subcontractors, and for other purposes.

The SPEAKER pro tempore. The gentleman from California [Mr. WELCH] moves to suspend the rules and pass S. 5904, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there, and a further provision that in case any dispute arises as to what are the prevailing rates of wages for work of a similar nature applicable to the contract which can not be adjusted by the contracting officer, the matter shall be referred to the Secretary of Labor for determination and his decision thereon shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

SEC. 2. This act shall take effect 30 days after its passage but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act.

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. WELCH of California. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. WELCH] is recognized for 20 minutes, and the gentleman from Texas [Mr. BLANTON] is recognized for 20 minutes.

Mr. WELCH of California. Mr. Speaker, the House Committee on Labor has had before it H. R. 16619, which is identical with S. 5904, now before the House for final passage. Our committee has held extensive hearings on the bill which is to require contractors on public buildings of the United States or the District of Columbia to pay the prevailing wage rate when such wage rates have been established by private industry.

Secretary of Labor Doak, Assistant Secretary of War Payne, and Mr. James A. Wetmore, Acting Supervising Architect, attended the hearings before the committee and made strong arguments in behalf of the bill. The bill was reported by the committee by a unanimous vote.

The Federal Government has entered upon an extensive public-building program throughout the United States. This program will continue for a period of 8 or 10 years and will result in the expenditure of approximately a half billion dollars. It was intended that this vast amount should be expended not only to house Federal offices in their own buildings but also to benefit the United States at large through distribution of construction throughout the communities of the country without favoring any particular section.

Though the officials awarding the contracts endeavored to persuade contractors to pay local prevailing wage scale, some successful bidders have imported labor from distant localities and have exploited this labor at wages far below local wage rates. This selfish group of contractors believe that Congress authorized this great building program for their special benefit. They base their estimates for labor upon the low wages they can pay to unattached migratory workmen who in some cases the contractors house and feed in temporary quarters adjacent to the building under construction and pay them whatever they will accept.

This bill, if enacted into law, will correct this condition and will give local workingmen, who pay taxes and who in many cases support families, the opportunity of securing employment on these buildings constructed by the Federal Government. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield myself five minutes. I ask unanimous consent to revise and extend my remarks.

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

There was no objection.

Mr. BLANTON. Mr. Speaker, in connection with my remarks I ask unanimous consent to incorporate a letter which the Comptroller General of the United States, Gen. J. R. McCarl, has written the chairman of the committee respecting this bill, and the decision mentioned by him, attaching also a communication to the President of the United States by some of the parties interested.

The SPEAKER pro tempore. The gentleman from Texas asks to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The communication from Gen. J. R. McCarl is as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
*Washington, February 12, 1931.*

Hon. GUY E. CAMPBELL,
*House of Representatives.*

MY DEAR MR. CAMPBELL: You have referred in your telephone conversation with me this morning to S. 5904 and H. R. 16619, relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia, and have requested me to advise you as a member of the Committee on Labor whether the original bills, or certain proposed amendments, hereinafter stated, will give a better accounting basis for the settlement and adjustment of claims arising under contracts containing a stipulation as to the payment of the prevailing rate of wages to the employees of contractors engaged in the construction of public buildings.

The Senate and House bills are in identical terms and provide that—

"Every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there, and a further provision that in case any dispute arises as to what are the prevailing rates of wages for work of a similar nature applicable to the contract, which can not be adjusted by the contracting officer, the matter shall be referred to the Secretary of Labor for determination, and his decision thereon shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

"SEC. 2. This act shall take effect 30 days after its passage, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act."

The amendments apparently suggested to section 1 of the bill would make said section read as follows:

"That every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision stating the minimum rate of wage that shall be paid for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract, which rate shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there. The said minimum rate of wages equal to the prevailing rates of wages for work of a similar nature applicable to the contract shall be determined by the head of the department or establishment concerned, and shall be stated in the advertisement for proposals, and shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act."

Under the bills without the amendment neither the United States nor the contractors could know at the time of contracting the prevailing rate of wages which the contractors must pay during the progress of the work. Dependent upon the facts, the rate of wages could be increased or decreased by a determination of the Secretary of Labor. A prudent contractor would necessarily be required to include in his proposal sufficient sums to protect him against any increase in wages, and if the increase did not take effect the public would nevertheless be required to pay the contractor the agreed price for the performance of the work, and thus the contractors would secure unjustified profits for the work. On the other hand, if the wages were increased above the amount included by the contractors for such increases, the probabilities are that many contractors would default in the performance of the work, and it would have to be completed by either the surety or the United States, and the Government would be under the necessity of attempting to recover the excess costs from the contractors and/or their sureties. This office can only conjecture what would be the situation of materialmen and laborers in the event of such default and the bond was not sufficient to pay both the excess cost and the unpaid sums to materialmen and laborers. There is thus an apparent impracticability under the provisions of the bills as unamended.

The proposed amendments, above quoted, to section 1 of the bill will eliminate this doubt and uncertainty by the requirement that the prevailing rate of wages be determined by the head of the department concerned prior to the advertisement for proposals and be stated in the proposals, and that there shall be included in the contract a stipulation that the contractors shall pay as a minimum such determined and stated rate of wages. This will place all contractors on a parity in so far as rates of wages are concerned in the submission of their proposals. Such an amendment will eliminate the doubt and uncertainty with respect to the rate of wages which must be paid by the contractors and will insure to laborers the rate of wages prevailing when the advertisement was issued.

As between the two bills as they now stand and the bills with the suggested amendment to section 1, this office has no hesitancy in informing you that the amendments are desirable and will reduce the doubt and uncertainty which would inevitably arise under the unamended bills, and to that extent would simplify the accounting procedure in the settlement of claims arising under the contracts.

I do not know whether your attention has been invited to decision dated January 10, 1931, of this office, concerning, among other things, a stipulation in contracts for the payment of the prevailing rate of wages, and if not, a copy of such decision is inclosed herewith.

Sincerely yours,

J. R. MCCARL,
*Comptroller General of the United States.*

Mr. BLANTON. Mr. Speaker, the decision by Gen. J. R. McCarl is as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
*Washington, January 10, 1931.*

The honorable the SECRETARY OF THE TREASURY.

SIR: There has been considered your submission of November 3, 1930, as follows:

"There is inclosed herewith copy of letter of July 31, 1930, from the President, addressed to the Secretary of the Treasury, in which the President calls attention to complaints that contractors engaged in Government work are employing alien labor and that they are in certain cases transporting labor long distances into localities where there is already considerable unemployment. You will note that the President suggests the inclusion of a paragraph in the specifications of Government contracts to remedy this evil.

"This department has also received numerous complaints of this character and also that contractors are taking advantage of the unemployment situation to cut wages below the prevailing wage scale or are transporting cheap labor to jobs to the detriment of local labor.

"The situation is one which should not be endured. This department bases its estimates for appropriations on the fair wage scales prevailing throughout the country, and expects contractors to employ the best type of American mechanics and laborers on Federal work. The Government should be the last employing agency to expect or countenance the performance of its construction contracts at the sacrifice of its citizens. In the absence of any law forbidding the practices above named it is the desire of the department, in accordance with the President's wishes, to include in its specifications a paragraph which will give the department the control of the type of labor employed on its contracts and the wages to be paid such labor.

"In this connection the following paragraph has been prepared and is submitted to you for your consideration:

"NOTICE TO BIDDERS

"In preparing their estimates bidders should keep in mind the policy of the Treasury Department to maintain the local wage scale, which in case of dispute will be determined by the Secretary of Labor. Furthermore, the contractor and/or his subcontractor or subcontractors will be required to give preference at the time of employment of skilled and unskilled labor to ex-service men of the United States Army, Navy, and Marine Corps and to citizens of the United States and/or aliens who have taken out their first papers of citizenship: *Provided*, That exceptions to this requirement will be permitted only to such extent as may be shown to be necessary when the number of qualified skilled and/or unskilled laborers can not be obtained: *And provided further*, That the term 'labor' as herein used shall not include the contractors or subcontractors or subcontractors' managerial or supervisory officers or employees: *And provided further*, That the contracting officer or his representative may require the contractor and/or his subcontractor or subcontractors to discharge any laborer or mechanic employed on the work at the site thereof.

"It is not intended to place this paragraph in the contracts, but it will be inserted in the specifications as a notice to bidders.

"It will be appreciated if you will express your views as to whether in your opinion there is any legal obstacle to the inclusion of this paragraph in the specifications of contracts for Federal building construction under the control of the Treasury Department, and if the paragraph meets with your approval. Also the department will be glad to receive your suggestions as to any changes in phraseology which in your opinion would more certainly attain the desired object."

It is noted that the paragraph quoted in your submission, requiring maintenance of the local wage scale and preference for ex-service men and citizens of the United States, including aliens who have taken out their first papers of citizenship, is proposed to be inserted in the advertised specifications as a notice to bidders, but is not to be included in contracts.

No lengthy discussion would seem necessary to reveal the impropriety of what is thus proposed. If the paragraph is to be more than a gesture, there must be adequate means provided to insure observance of its stipulations by contractors. Then, too, to encourage bidding in amounts adequate to maintain the local wage scale and to give the preferences stipulated for, without providing the means necessary to insure strict observance of such requirements, would be unfair to the Public Treasury and involve an unauthorized use of the appropriation chargeable for the accomplishment of the work.

It is assumed, however, that the proposed paragraph is intended to be more than a gesture and that your submission involves the question whether existing laws controlling the uses of appropriated moneys will permit the inclusion of the proposed paragraph in specifications advertised for bids—with adequate provision in contracts for strict enforcement, and it will be considered accordingly.

With respect to the proposal to require contractors on public work of the Treasury Department to give preference to ex-service men of the United States Army, Navy, and Marine Corps, there was before this office in decision of November 8, 1930 (A–33826 and A–33890) section 9 of the act of December 21, 1928, 45 Stat. 1057, which required that preference be given to such ex-service men in connection with the construction of the Hoover Dam. This office held in said decision that the statutory requirement as to preference for ex-service men in connection with construction work on the Hoover Dam must be observed but the difference between the case considered in said decision of November 8, 1930, and that phase of the case here presented is that there is no statute authorizing or requiring preference to be given to ex-service men over other American citizens by contractors engaged on construction work for the Treasury Department. It is to be further noted that a similar statutory preference was required by certain earlier appropriation acts to be given to ex-service men. See in particular the act of February 28, 1919 (40 Stat. 1201), relating to the construction of public roads aided by Federal funds, which required such preference and specifically prohibited other discrimination among citizens of the United States as unlawful. The Congress having made the matter of giving preference to ex-service men over other American citizens the subject of legislation by enacting specific provisions for such preference in certain instances, it is not open to administrative consideration to exact that preference where the Congress has not seen fit to do so; that is, by requiring preference to be given by contractors on Treasury Department construction work in employing their skilled or unskilled laborers to ex-service men over other American citizens. There is no authority of law for making such discrimination between different groups of American citizens.

With respect to the preference proposed to be required of contractors on construction work of the Treasury Department to be given to American citizens and/or aliens with first citizenship papers over other aliens, it was held by this office in decision of November 8, 1930, supra, that in a clearly proper case objection would not be made by the accounting officers to a requirement that preference be given to American citizens, on public work, over aliens, and in the particular case then under consideration—construction of the Hoover Dam near the Mexican border—the facts and circumstances appeared such that it was concluded objection might properly be withheld as in the public interest if the President should conclude in such connection to approve such modification of the form of contract theretofore prescribed by him as for uniform use in such cases. While what was therein said and held had relation to the particular case then under consideration, including its own facts, circumstances, and conditions, there appears no present requirement for any modification of what was therein said and held in such regard, nor has there been suggested reason for enlargement to include aliens who have secured their first citizenship papers.

In this connection it seems not improper to invite attention to your communication of September 29, 1930, to the President, made in response to his letter of July 31, 1930, referred to in the first paragraph of your submission herein. Attached to your communication of September 29 there was a tabulated statement of the number of men employed on 26 construction projects under the Treasury Department, located in various parts of the United States, as follows:

*Number of men employed on various jobs*

| Building | Total | Alien | Local | Outside |
|---|---|---|---|---|
| Asheville, N. C., post office | 65 | 0 | 60 | 5 |
| Boise, Idaho, post office | 60 | 0 | 33 | 27 |
| Boston, Mass., post office | 48 | 0 | 36 | 12 |
| Brooklyn, N. Y., post office | 13 | 0 | 13 | 0 |
| Dallas, Tex., post office | 131 | 0 | 117 | 14 |
| Denver, Colo., customhouse | 90 | 0 | 81 | 9 |
| Fargo, N. Dak., post office | 78 | 0 | 26 | 52 |
| Haverhill, Mass., post office | 53 | 3 | 35 | 18 |
| Juneau, Alaska, Federal building | 101 | 9 | 39 | 62 |
| Lima, Ohio, post office | 50 | 0 | 34 | 16 |
| Lowell, Mass., post office | 27 | 0 | 27 | 0 |
| Memphis, Tenn., post office | 140 | 1 | 126 | 14 |
| Milwaukee, Wis., post office | 100 | 2 | 100 | 0 |
| New Orleans, La., marine hospital | 32 | 0 | 32 | 0 |
| Oshkosh, Wis., post office | 34 | 0 | 21 | 13 |
| Passaic, N. J., post office | 27 | 0 | 23 | 4 |
| Pullman, Mont., post office | 20 | 0 | 20 | 0 |
| Racine, Wis., post office | 32 | 0 | 28 | 4 |
| San Francisco, Calif., marine hospital | 117 | 2 | 117 | 0 |
| Seattle, Wash., immigrant station | 50 | 0 | 50 | 0 |
| Scranton, Pa., post office | 103 | 5 | 96 | 7 |
| Springfield, Ill., post office | 65 | 1 | 41 | 24 |
| Tampa, Fla., post office | 65 | 0 | 53 | 12 |
| Tucson, Ariz., post office | 161 | 0 | 103 | 58 |
| Tyrone, Pa., post office | 12 | 0 | 0 | 12 |
| Watertown, N. Y., post office | 50 | 11 | 45 | 5 |
| | 1,724 | 34 | 1,356 | 368 |

It would appear, as pointed out in your letter of September 29, 1930, that the number of aliens so employed is relatively small—34 out of a total of 1,724.

There would appear for consideration in such connection also, as having some relationship thereto, the immigration policy of the United States as it has heretofore been and as it now exists, as disclosed by the enactments on the subject, and from which this problem arises.

From what has been pointed out it necessarily follows that only in a clear case of necessity in the public interest could the accounting officers properly withhold objection to the uses of public moneys that would be involved by a contractual requirement for employment by contractor on the public work involved, American citizens and aliens who have obtained first papers of citizenship over other aliens lawfully here, without legislative authority therefor.

With respect to the question remaining:

It is proposed by the submission to now include in requests for bids in cases where public work intrusted to the Treasury Department for accomplishment is to be let to private contractors, a stipulation requiring the successful bidder (the contractor) "to maintain the local wage scale, which in case of dispute will be determined by the Secretary of Labor," or as has been suggested informally, language having like purpose and effect, such as a requirement that "contractor pay not less than the prevailing rate of wages in the locality or metropolitan area in which the

project is being constructed." While a somewhat similar matter was treated in certain text submitted here by the Secretary of the Interior in the Hoover Dam case, decided November 8, 1930, the precise question here involved was not raised, considered, or decided therein.

The Supreme Court of the United States has had recent occasion to consider and express decision on strikingly similar language in Connally *v.* General Construction Co. (269 U. S. 385). This was an action involving an Oklahoma statute requiring "laborers, workmen, mechanics, or other persons employed by contractors or subcontractors in the execution of any contract or contracts with the State" to be paid by the contractor or subcontractor "not less than the current rate of per diem wages in the locality where the work is performed * * *." The statute provided a penalty of fine or imprisonment for violations. A dispute arose as to the amount of the current rate of per diem wages being paid labor in the locality where the particular work was being performed, and the Commissioner of Labor having determined, after investigation, that $3.60 was such current rate of wage in the locality, and contractor insisting upon and paying only $3.20 per day, contractor was threatened with prosecution in the event there was not paid the rate of wage so determined by the Commissioner of Labor, and applied for injunction to restrain the State officials from enforcing the statute because unconstitutional. In affirming the decree of the lower court granting injunction relief the Supreme Court said:

"We are of opinion that this provision presents a double uncertainty, fatal to its validity as a criminal statute. In the first place, the words 'current rate of wages' do not denote a specific or definite sum, but minimum, maximum, and intermediate amounts, indeterminably, varying from time to time and dependent upon the class and kind of work done, the efficiency of the workmen, etc., as the bill alleges is the case in respect of the territory surrounding the bridges under construction. The statutory phrase reasonably can not be confined to any of these amounts, since it imports each and all of them. The 'current rate of wages' is not simple but progressive—from so much (the minimum) to so much (the maximum), including all between; and to direct the payment of an amount which shall not be less than one of several different amounts, without saying which, is to leave the question of what is meant incapable of any definite answer. See People ex rel. Rodgers *v.* Coler (166 N. Y. 1, 24–25).

"Nor can the question be solved by resort to the established canons of construction that enable a court to look through awkward or clumsy expression, or language wanting in precision, to the intent of the legislature. For the vice of the statute here lies in the impossibility of ascertaining, by any reasonable test, that the legislature meant one thing rather than another, and in the futility of an attempt to apply a requirement, which assumes the existence of a rate of wages single in amount, to a rate in fact composed of a multitude of gradations. To construe the phrase 'current rate of wages' as meaning either the lowest rate or the highest rate or any intermediate rate or, if it were possible to determine the various factors to be considered, an average of all rates, would be as likely to defeat the purpose of the legislature as to promote it. See State *v.* Partlow (91 N. C. 550, 553); Commonwealth *v.* Bank of Pennsylvania (3 Watts & S. 173, 177).

"In the second place, additional obscurity is imparted to the statute by the use of the qualifying word 'locality.' Who can say with any degree of accuracy what areas constitute the locality where a given piece of work is being done? Two men moving in any direction from the place of operations would not be at all likely to agree upon the point where they had passed the boundary which separated the locality of that work from the next locality. It is said that this question is settled for us by the decision of the criminal court of appeals on rehearing in State *v.* Tibbetts (205 Pac. 776, 779). But all the court did there was to define the word 'locality' as meaning 'place,' 'near the place,' 'vicinity,' or 'neighborhood.' Accepting this as correct, as of course we do, the result is not to remove the obscurity but rather to offer a choice of uncertainties. The word 'neighborhood' is quite as susceptible of variation as the word 'locality.' Both terms are elastic and, dependent upon circumstances, may be equally satisfied by areas measured by rods or by miles. See Schmidt *v.* Kansas City Distilling Co. (90 Mo. 284, 296); Woods *v.* Cochrane & Smith (38 Iowa 484, 485); State ex rel. Christie *v.* Meek (26 Wash. 405, 407–408); Millville Imp. Co. *v.* Pitman, etc., Gas Co. (75 N. J. Law, 410, 412); Thomas *v.* Marshfield (10 Pick. 364, 367). The case last cited held that a grant of common to the inhabitants of a certain neighborhood was void because the term 'neighborhood' was not sufficiently certain to identify the grantees. In other connections or under other conditions the term 'locality' might be definite enough, but not so in a statute such as that under review imposing criminal penalties. Certainly, the expression 'near the place' leaves much to be desired in the way of a delimitation of boundaries; for it at once provokes the inquiry, 'How near?' And this element of uncertainty can not here be put aside as of no consequence, for as the rate of wages may vary—as in the present case it is alleged it does vary—among different employers and according to the relative efficiency of the workmen, so it may vary in different sections. The result is that the application of the law depends not upon a word of fixed meaning in itself or one made definite by statutory or judicial definition, or by the context or other legitimate aid to its construction, but upon the probably varying impressions of juries as to whether given areas are or are not to be included within particular localities. The constitutional guaranty of due process can not be allowed to rest upon a support so equivocal."

While the Oklahoma case involved a statute imposing a fine or imprisonment as penalty for violation and was thus penal in its nature, it is assumed there will be provided, as would appear necessary if it should be held permissible under existing law to include the suggested language in contract matters as proposed, adequate means to accomplish and insure full compliance, including penalty for violation.

But, aside from this aspect of the matter, there remain other serious questions—whether under existing law the matter of so fixing the wages an employer must pay in the doing of Government work is one authorized to be accomplished in connection with the contracting therefor pursuant to section 3709, Revised Statutes; and, if so, whether an appropriation, general in terms, may properly be held available for payments in such connection.

It has long been the rule, enforced uniformly by the accounting officers and the courts, that an appropriation of public moneys by the Congress, made in general terms, is available only to accomplish the particular thing authorized by the appropriation to be done. It is equally well established that public moneys so appropriated are available only for uses reasonably and clearly necessary to the accomplishment of the thing authorized by the appropriation to be done.

Usually the thing so authorized to be done may be accomplished either through a governmental agency employing the necessary labor, purchasing the needed materials, etc., or, in a proper case, through contracting with a citizen to do the job, who, by his contract, assumes the responsibility for supplying everything needed to fully discharge his contractual obligations, including labor, materials, etc. In so contracting the basic statute to be observed is section 3709, Revised Statutes. The clear purpose of this statute is to secure full and free competition in supplying the needs of the United States (which needs are required to be clearly stated in the request for bids) and the benefit to the Treasury of required acceptance of the low responsible bidder.

The clear intent of the suggested language, employed in connection with bidding and contracting as proposed, is to benefit those employed on the work by contractors and to insure them against wage reductions below the "local wage scale" or the "prevailing rate of wages in the locality." In fact, the suggested language admonishes bidders to include in their bids amounts with which to so make payments, and it must be assumed the bidding will be accordingly.

No matter how worthy may be the object or end sought to be attained through action by the executive branch, where the use of public money would be involved in its accomplishment, it becomes necessary, if our system of government is to be faithfully observed, for the accounting officers to question the proposed use, unless by them found to be reasonably within the law of the appropriation proposed to be employed. Then, if agreement to the proposed use must be by the accounting officers withheld, the matter may go to the Congress, the source of all authority for the uses of public moneys.

However desirable the contrary may be, it seems clear that in the present state of law the proposal to fix by contract the minimum rate of wages the contractor must pay his employees in the doing of the contract work, assuming a contract otherwise valid and enforceable could be drawn, clashes with the long-recognized intent and purpose of section 3709, Revised Statutes, in that it removes from competitive bidding on the project an important element of cost and tends to defeat the purpose of the statute—that is, to obtain a need of the United States, authorized by law to be acquired, at a cost no greater than the amount of the bid of the low responsible bidder, after full and free competitive bidding.

But were it possible to surmount this obstacle, could it properly be held that the fixing of the minimum wages to be paid employees, as proposed, has such intimate relationship to the single matter of accomplishing the thing authorized by the appropriation to be done as to properly permit its being held, in other than a most extraordinary case, reasonably necessary to such accomplishment, so as to meet the test long applied in determining the availability of an appropriation general in terms for proposed or accomplished uses? I fear not. That the cost to the United States because of the admonition to bidders to so bid as to be able to pay the wages as so fixed, whether actually so paid or not, would be increased, seems too clear for question. Such added cost in the matters involved in the submission would seem to have no relationship to the actual accomplishment of the work authorized by the appropriations to be done, and consequently could not properly be paid from such appropriations.

What is here involved appears a matter which, in the present state of the law is not for adjustment through administrative action in contracting, and uses of appropriated moneys in such connection without further expression and authority thereon from the Congress may not properly be approved by the accounting officers.

That the Congress regards the problem as one for adjustment through legislative enactment, possibly because of the effect on the economic structure, is evidenced by Senate amendment No. 14 to the bill H. R. 14804, recently considered and enacted after elimination of the said amendment, and other measures now pending.

Answering specifically your submission I feel compelled to hold—

1. That to include the proposed language in requests for bids without providing adequate means for exacting complete compliance therewith would not be authorized.

2. That only in a clear case of necessity in the public interest may the accounting officers properly withhold objection to the

uses of public moneys that would be involved by a contractual requirement for employment by contractor on the public work involved, American citizens and aliens who have taken out first papers of citizenship over other aliens lawfully here without further legislative authority therefor than now exists.

3. Discrimination between different groups of American citizens through exacting preference for one over the others by contractors engaged on public work is unauthorized other than when specifically so required by law.

4. To include in requests for bids a provision admonishing bidders to so bid as to be able, in the event of being awarded the contract, to pay employees on the contract work the "local wage scale" or "the prevailing rates of wages in the locality or metropolitan area in which the project is being constructed," even with adequate provision for complete enforcement against contractors, would in general and in the present state of the law be unauthorized. Only in such rare case, if one there might be under existing conditions, where the need for such stipulation could on the facts be held as required to accomplish the thing authorized by the appropriation to be done, could objection be properly withheld.

Respectfully,

J. R. McCARL,
*Comptroller General of the United States.*

Mr. Speaker, the letter from some of the interested parties, the Associated General Contractors of America, to the President of the United States is as follows:

ASSOCIATED GENERAL CONTRACTORS OF AMERICA (INC.),
*Washington, D. C., February 8, 1931.*

The PRESIDENT,
*White House, Washington, D. C.*

DEAR MR. PRESIDENT: Under date of January 26, 1931, there was introduced in the Senate S. 5904, and on January 27, 1931, in the House H. R. 16619, both relating to the rate of wages of laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors. S. 5904 was reported January 26, 1931, calendar day February 3, 1931, and H. R. 16619 was reported January 31, 1931, and, as you doubtless know, S. 5904 has recently passed the Senate and H. R. 16619 and the Senate bill are both pending in the House.

As you will remember from your recent telegram sent to this association, the association was holding its annual convention in San Francisco, Calif., and many of the members of the association were either en route to or attending the convention when these bills were introduced into Congress and reported by the respective committees of the Senate and House. Consequently this association did not have an opportunity to present its views in the matter, and upon contacting Saturday, February 7, 1931, with some of the Members of the House it seemed to be the impression of these Members that these bills were administration measures and that even though the contracting industry had not been heard in the matter the bills could not be amended to correct obvious possibilities of endless disputes and of increased costs to both the taxpayers and the contractors.

At the outset this association desires to be understood as favoring during this emergency period the principle that contractors on Government public-building work should pay the prevailing local rate of wages, and the association condemns those few contractors who cut wages below the local rate, whether on public-building work or on the vast highway program participated in by both the States and the Federal Government. These bills under consideration do not touch this latter class of highway contracts. This position of the association is clearly stated in the following resolution which was adopted at the annual convention in San Francisco on January 29, 1931:

"An extensive study of conditions now prevailing in the construction industry has indicated to the Associated General Contractors of America the advisability and propriety of enunciating the following principles with respect to wages and hours of labor:

"First. It is contrary to the best interests of the construction industry and society at large for contractors or other employers to utilize the present surplus of workmen as a means of depressing wages or establishing excessive hours of employment.

"Second. It is contrary to the best interests for a public body to award a contract to a contractor whose bid is predicated upon the exploitation of labor by either excessive working hours or reduced wages.

"Third. It is contrary to the desires of the people, as expressed by the extraordinary appropriation of Congress during the present emergency, that workmen's wages paid out of public moneys should be depressed below that required for a decent standard of living: Therefore be it

"*Resolved*, By the Associated General Contractors of America, that public awarding agencies have a moral obligation to cooperate with the responsible contractors of the country in preventing exploitation of labor; be it further

"*Resolved*, That the Federal Government when assisting the States financially and the States when assisting any political subdivision should enforce such regulations as may be necessary during the present emergency to maintain a reasonable scale of wages."

Favoring the principle that Government contractors and subcontractors should be required to pay the local prevailing rate of wages, this association most strenuously objects to S. 5904 and H. R. 16619, which would throw the entire contracting industry, in so far as it is engaged in the construction of Government buildings, into confusion; would largely increase the expense to the taxpayers of the country of necessary public buildings, and would lead to endless dissatisfaction and bickerings between contractors and the contracting officers, between labor and both the contractors and contracting officers, and would not insure to labor what the proponents of the bills seem to think that labor should receive.

It would seem to require no argument to demonstrate that if contractors must bid on public work with the uncertainty confronting them that the Secretary of Labor could and probably would change the rate of wages a number of times during the progress of the work, such contractors must add to their proposals sufficient sums to protect them against any such possible increases. If the increases do not take effect, such additional sums would accrue to the contractors in addition to their ordinary allowance and would represent an unnecessary expense to the public. Without further argument you will appreciate from your experience in the business world that anything which leads to doubt and uncertainty, or increases the risks on construction work, must necessarily increase the bid price for performance of such work. If the Government assumed these risks in a cost-plus contract, the situation might be different, but it is not understood that these bills contemplate cost-plus contracts, and if the risks are to be imposed on the contractor, the public must necessarily pay therefor.

Under present competitive conditions the constant tendency will be for bidders to reduce this margin to a minimum to protect against changes in wage rates with the result that undoubtedly the number of failures of contractors will be increased, resulting in losses to material men and laborers, delay in securing the completion of the work, and increased expenditures by the Government for supervisors, attorneys, etc., in connection therewith. All this public and social loss can be and should be reduced to a minimum through the enactment of proper legislation under which operations are to take place.

As stated above, and as shown by the above-quoted resolution, this association is in favor of the Government contractors paying the local prevailing rate of wages during this emergency, but it does believe that legislation to that end should be definite and certain. This association believes, in substance, that the minimum rate of wages to be paid laborers and mechanics should be determined by the department having in charge the construction work and not by the head of some other department who is not charged with the responsibility for the expenditures of the public funds provided for such work. Also that the rates of wages to be paid should be stated in the advertisement for bids so that all prospective contractors will be informed as to the rate that they must pay so that they may intelligently compute their costs. No intelligent estimate of cost of labor can be made without this information, and this without reference to the possible effect of the rates of wages on Government building projects on the general economic structure.

This association would have no objection to the legislation, if the bills were modified to read, as follows:

"*Be it enacted, etc.*, That every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision stating the minimum rate of wage that shall be paid for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract, which rate shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia, if the public buildings are located there. The said minimum rate of wages equal to the prevailing rates of wages for work of a similar nature applicable to the contract shall be determined by the head of the department or establishment concerned and shall be stated in the advertisement for proposals and shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

"SEC. 2. This act shall take effect 30 days after its passage, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act."

Since these bills are reported to be administration measures and we feel that the President of the United States can properly take no position which is not in the best interests of the taxpayers of the United States, labor, and contractors—all of their interests being considered—we earnestly request that you make known to Congress your approval of the amendments, which we believe necessary in these bills so as to remove doubt and uncertainty so as to insure that labor will receive the rate of wages prevailing at the date of the advertisement for bids so that contractors may bid and contract for public buildings with some degree of certainty as to their probable cost and so that they will not be required in self-defense to include in their proposals unallocated items to take care of possible increase of wages required by Government officials to be paid after the contracts have been entered into.

Respectfully,

A. P. GREENSFELDER, *President.*

Mr. Speaker, if this bill were not demanded by organized labor it would not have a chance of passage in this House under suspension of the rules. This is the most ridiculous

proposition I have ever seen brought before a legislative body. You are called upon by the provisions of this bill to make a contract between every contractor and his employees, respecting the construction of every public building that may be built in every district in the United States, whether it suits the contracting parties or not. You are taking away from American citizens, contractors, and laborers alike the sacred, inherent right of contract—the right to make their own contracts for themselves.

We are thus proposing by this pernicious bill to interfere with a sacred, inalienable right that has given initiative and independence to men for ages past. It would make the advertising by the Government for the "Lowest reputable bid" ridiculous and a farce.

I am for organized labor when it is right, and I dare to exercise my own judgment and refuse to obey its commands when it is wrong. I have supported every proper demand that has been made by organized labor during the 13 years I have been in Congress.

I saw fit in this House during the war, when men who had been exempted from the draft to work for their Government and were getting $30 a day as skilled laborers in the shipyards, and who kept striking until there were 6,000 strikes against the Government during the war—I was one who voted for the famous "work or fight" amendment, which would make them fight when they refused to work. I was then denounced by organized labor as its enemy, but I am one of those who is not afraid to stand up here and refuse to let a bill like this pass without raising my feeble voice in protest. I know that in this atmosphere this bill will pass this House to-day, but I can not believe that the President will allow it to become a law.

The Comptroller General sent a letter to the chairman of this committee, which I have put in the RECORD, suggesting a salutary amendment, providing that when the rates of wages are fixed they shall be fixed by the department having charge of the construction and not by the Secretary of Labor; that the rates of wages shall be stated in every advertisement for building construction, so that the contractors may understand what they are going to have to pay laborers when they take a contract. That is a reasonable and a fair provision and should have been placed in this bill, and without which this bill ought to be defeated. I know I can not defeat it here, but I believe this protest will cause it to be defeated elsewhere.

Are there of you, my colleagues, men who, because organized labor demands that you do something, are going to do that something when you know it is against your best judgment?

I can not forget that I have seen men on this floor, like my former friend from Georgia, Hon. Bill Upshaw, of Atlanta, who for years blindly obeyed organized labor in every demand it made, and yet when he needed a few votes down in Atlanta they turned him down and defeated him. I can not forget my good friend, JIM O'CONNOR, of New Orleans, who during his entire stay here, with his eyes shut and his ears closed and his brain stopped working, blindly obeyed every demand of organized labor, and yet when he needed a few votes down in New Orleans in the last election they turned him down and defeated him.

Mr. SABATH. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SABATH. I know the country would be interested if the gentleman would insert in his remarks the votes he cast in favor of organized labor, because I can not think of a single vote the gentleman has cast that would have been in favor of organized labor but was in the interest of contractors and special interests.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I yield myself five additional minutes. I want to answer my friend from Illinois. I have never voted against any just demand of organized labor. I challenge any Member to name one vote of mine against any demand of organized labor that was just and right. Down in my district, every time I run for office, organized labor from Washington comes down there and buys up the advertising space in all the newspapers that are published in my district and they say exactly what the gentleman from Illinois says, and yet I get about 60 per cent of all the organized vote in my district every time I run, because they have confidence in me and they know I do not fight them when they are right and they know I dare to tell them to go to hell when they are wrong.

Mr. WOODRUFF. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WOODRUFF. My friend from Texas knows, of course, that we have either got to accept this bill or vote it down.

Mr. BLANTON. Yes; just the way it is written. You have got to vote it up or vote it down. You can not dot an "i" or cross a "t." We can not amend it. You have got to take it just like organized labor has written it for you, like a bunch of mocking birds with their mouths open and their eyes shut.

Mr. WOODRUFF. Will the gentleman yield further?

Mr. BLANTON. Certainly.

Mr. WOODRUFF. Will the gentleman point out to the House where there is any provision in this bill which prohibits the Treasury Department from specifying the rates of wages that shall be paid for the different classes of labor employed in construction? Is there anything in the bill to prevent the Treasury Department from doing exactly what the gentleman demands?

Mr. BLANTON. The Senate bill, which is the same as the House bill, requires that if there is any dispute about the prevailing rate of wages it is to be settled in Washington by the Secretary of Labor, for those buildings to be constructed in New Mexico, in Oregon, or in Florida. It is the Secretary of Labor who shall say what the rates of wages shall be paid by the contractors in those States to their employees. I am not in favor of such a provision. I want the right of contract between Americans to remain inviolate. Let them meet each other across the table and agree upon what they are going to do.

Mr. SCHAFER of Wisconsin and Mr. SHORT of Missouri rose.

Mr. BLANTON. I want to yield first to my friend from Wisconsin.

Mr. SCHAFER of Wisconsin. I know the gentleman from Texas wants to be absolutely correct.

Mr. BLANTON. Always.

Mr. SCHAFER of Wisconsin. The gentleman made the statement that a former colleague, Mr. Upshaw, always blindly followed organized labor in every demand. I want to call the gentleman's attention to the fact that the American Federation of Labor at many national conventions, by an almost unanimous vote, has asked for the return of beer and light wines, and yet the gentleman from Georgia, Mr. Upshaw, did not follow that demand.

Mr. BLANTON. I am glad that my friend has mentioned that demand of the American Federation of Labor. It proves the fact that some demands are ridiculous, and even require Members to nullify the Constitution itself. I remember that under the whip and spur of labor Bill Upshaw voted for the Hawley bill that would have put this Government into the distillery business, and placed Mr. Secretary Mellon at the head of Government distillery corporation, with $100,000,000 capital. But fortunately that did not become law.

I will give you an illustration of what organized labor will do for the faithful. You take our good friend, FRED ZIHLMAN, who hasn't been quite dry all his life—he was born that way [laughter]—he has lived that way, and he will die that way. He has faithfully obeyed organized labor in every demand they have ever made; yet, when he needed a few votes this time, they quit him and kept him at home; and I will tell you this: You would better quit depending on organized labor in particular and depend on American citizens generally for reelection.

Mr. SHORT of Missouri. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SHORT of Missouri. Organized labor opposed me at the recent election, but for that reason I am not going to oppose the passage of this bill because section 2 protects the contractor by making the wage scale apply only to contracts that are let in the future and not to those that are now outstanding.

Mr. BLANTON. But you are fixing this law for all time in the future.

Mr. SHORT of Missouri. But the contractor knows this at the time he makes a contract.

Mr. BLANTON. This is to become permanent legislation, and you will have contractors from now on like a bunch of puppets following the dictates of a bureau here in Washington. I want to help get these matters back into the States and away from Washington where they have to be controlled by a little bureau here every time Americans turn around. Why, they will not be able to make a contract to construct a building in the United States without being directed by a little bureau here as to what kind of contract they shall make. This is not right. It is not proper, and I am one of those who is not going to be compelled to obey their orders. I shall vote against the bill even though I know you will pass it.

The SPEAKER pro tempore. The gentleman from Texas has used an additional five minutes.

Mr. BLANTON. Mr. Speaker, I reserve the balance of my time. I would like to use further time, but I promised to yield some time to my friend from New York [Mr. FISH].

Mr. WELCH of California. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, there is not a reputable, responsible contractor in this country who is opposed to this bill. [Applause.] All that this bill does is to carry out the policy of the Government of appropriating sufficient funds to pay the prevailing rate of wages on all Government contracts.

Mr. MICHENER. Will the gentleman yield?

Mr. LAGUARDIA. In just a moment. I have only a few minutes. I want to say that every contractor who understands his business when he makes his estimate, bases the estimate on the prevailing rate of wages. Every contractor does that. The unfair and unethical contractors however, after getting the contract and being paid on such basis, turns around and imports labor from other localities at low and reduced prices, not only exploiting his own workers, but all to the discrimination and disadvantage of labor living in that vicinity. Let me make this clear. The contractor invariably is paid by the Government on the basis of prevailing rates but does not do so. Therefore this bill is for the protection of the Government and the workers.

Why, the gentleman from New York who introduced this bill had such an experience right in his district. A contractor from Alabama was awarded the contract for the Northport Hospital, a Veterans' Bureau hospital. I saw with my own eyes the labor that he imported there from the South and the conditions under which they were working. These unfortunate men were huddled in shacks living under most wretched conditions and being paid wages far below the standard. These unfortunate men were being exploited by the contractor. Local skilled and unskilled labor were not employed. The workmanship of the cheap imported labor was of course very inferior.

Gentleman, there is not a municipality but what has the same kind of law for public works in any city, and all that this bill does, gentlemen, is to protect the Government, as well as the workers, in carrying out the policy of paying decent American wages to workers on Government contracts. [Applause.]

Mr. WELCH of California. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BACON.]

Mr. BACON. Mr. Speaker, I do not know what bill the gentleman from Texas [Mr. BLANTON] was talking about, but I do not think it is the bill under discussion at the present time.

The purpose of this measure, stated simply, is to require, through a clause in the Government contract form that contractors and subcontractors engaged in constructing, altering, or repairing any public buildings of the United States shall pay to labor the prevailing wage rates in the city, town, village, or other civil division of the State in which the public buildings are located. It provides further that in case of any dispute which can not be adjusted by the contracting officer that the matter shall be referred to the Secretary of Labor for determination, his decision to be final and conclusive on all parties to the contract.

This measure has the support of the administration as expressed through the approval of it by the Treasury Department, the Department of Labor, the War Department, the Navy Department, and the Veterans' Bureau, or all those departments of the Government most directly concerned in the current building program of the Government.

Hearings were held in both the Senate and House committees. In the House extensive consideration has been given to this or similar bills since 1927, and in each instance the Committee on Labor made a favorable report.

In the formulation of the provisions of this bill there has been full and painstaking cooperation by the Department of Labor, the Treasury Department, the War Department, the Navy Department and the Veterans' Bureau, and in the framing of this measure there was also the collaboration of the solicitors of these departments.

Therefore, this measure comes before the House with the united support of the executive departments, the unanimous reports of both the Senate and House committees, and the knowledge that it passed the Senate without opposition.

A practice has been growing up in carrying out the building program where certain itinerant, irresponsible contractors, with itinerant, cheap, bootleg labor, have been going around throughout the country "picking" off a contract here and a contract there, and local labor and the local contractors have been standing on the side lines looking in. Bitterness has been caused in many communities because of this situation.

This bill, my friends, is simply to give local labor and the local contractor a fair opportunity to participate in this building program.

I think it is a fair proposition where the Government is building these post offices and public buildings throughout the country that the local contractor and local labor may have a "fair break" in getting the contract. If the local contractor is successful in obtaining the bid, it means that local labor will be employed, because that local contractor is going to continue in business in that community after the work is done. If an outside contractor gets the contract, and there is no discrimination against the honest contractor, it means that he will have to pay the prevailing wages, just like the local contractor.

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. BACON. Yes.

Mr. McCORMACK of Massachusetts. This bill also compels, does it not, the unscrupulous contractor to enter the field of fair competition?

Mr. BACON. The unscrupulous contractor who hitherto came in with cheap, bootleg labor must now come in and pay the prevailing rate of wages in the community where the building is to be built, and I submit that this puts all contractors on a fair, equal, and equitable basis.

Mr. JOHNSON of Washington. I want to say that I am for the bill. Suppose a contractor gets a Government contract—which I know to have been done—and then requires the common laborer to work at a lower price and provide his own pick and shovel, which he has not got. He gets the wages down from $4 to $2.75 and requires each laborer to get his own pick and shovel.

Mr. BACON. The contractor on all Government jobs must conform to the prevailing wages in that community. He can not shave that price, but he must pay the prevailing wage. The Government must not be put in the position of helping to demoralize the local labor market.

Mr. JOHNSON of Washington. That will help.

Mr. MICHENER. Will the gentleman yield?

Mr. BACON. I yield.

Mr. MICHENER. How is the contractor going to get the information as to what the prevailing wage is in a community?

Mr. BACON. The Secretary of Labor and the different departments have given this bill great consideration, and——

Mr. MICHENER. But the gentleman does not answer my question. How is the contractor going to know what the prevailing wage is in the community? Will the Government furnish it to him? Will the Government furnish him the information as to the going wages at that time?

Mr. BACON. Certainly not, as a pegging proposition. A local contractor knows the local prevailing rates; an outside contractor must find them out. But he does this to-day if he is intending to use the local labor supply.

The Secretary of Labor, Mr. Doak, when testifying before the house committee, stated that he considered this emergency legislation. I believe the membership of the House generally knows why this is so. The Government has embarked on a large construction program, perhaps to a total of some five hundred millions of dollars. The translation of this program will mean new and improved courthouses; Federal post-office buildings at practically every first and second class post office, and in every part of the country; new hospitals and additions to hospitals for the Veterans' Bureau, the Public Health Service, and the Army and Navy; new customhouses or additions thereto; additional Army and Navy building projects of every character; et cetera.

This proposed legislation is a most necessary and desirable complement to the building program of the Government. Its purpose is to see to it that the benefits of the program are spread equitably throughout the country, alike to labor and to the contracting industry.

Members of Congress have been flooded with protests from all over the country that certain Federal contractors on current jobs are bringing into local communities outside labor, cheap labor, bootleg labor, or that they are taking an unconscionable advantage of demoralized labor conditions generally by cutting the prevailing wage scale, leaving a resentful and embittered community, and giving rise to the complaint by local labor that the Government is in league with contract practices that make it possible to further demoralize local labor conditions.

Unless this bill is passed I think it is fair to assume that all of the complaints that have come to the administration and to Members of Congress thus far will be increased in precise ratio to the momentum the building construction program will gain through the construction of post offices, courthouses, hospitals, and so forth, in all districts of the country that have not so far had any Federal construction work.

The President, as is well known, is very anxious that the wage scale be not reduced. The administration has done everything it possibly could, with the scant power it at present wields, to have contractors on Federal jobs agree to maintain the current wage obtaining in the communities where the Federal work has gone forward. But notwithstanding all of the Government's efforts, the results have been indifferent, and many complaints are pouring in.

These complaints have also come to the President's Committee on Unemployment, some of them as recent as January and February of this year. This committee has also indorsed this legislation and feels that it will materially help in relieving the unemployment situation and in spreading its benefits equitably throughout the country to as many people as possible.

In its practical operation the bill sets up a simple and direct method of assuring the payment of the prevailing wage by the contractor in the community where the work is performed. The Secretary of Labor anticipates no difficulties of administration. In 90 per cent of the cases he feels there will be no dispute of any kind. Where there is a dispute, which can not be ironed out on the spot by the contracting officer of the Government, the matter would be referred to the Secretary of Labor for final decision. The Labor Department has a well-organized conciliation service; and the administration feels that the offices of this service, when called on, will be able, without trouble, to settle disputes amicably, expeditiously, and to the satisfaction of everyone.

The bill does not put the Government in the position of price fixing or of anticipating wage levels; it does not attempt to peg a price for either the benefit of the contractor or labor. It does not disturb the methods or causes that finally evolve a scale of wages. It leaves that to employer and employee, where it belongs.

In case of dispute and where the Secretary of Labor must make the final decision, the function of the Secretary will be to apply to the contract the wages he ascertains constitute the prevailing rates. That is all he would do. He would make an ascertainment of fact, pure and simple, and apply that ascertainment to the contract.

We have the condition to-day on many Federal construction projects, where the terms "local labor" and "prevailing rates of wages" mean absolutely nothing; where local workmen are merely envious onlookers, off the reservation, simply because the Federal contractor concerned has been able to bring into the local community a cheap, itinerant labor supply or to severely cut the wages normally paid to the workmen in the community. He does this with profit to himself and perhaps also, I am ashamed to say, with profit to the Federal Government. We have instances where contractors are dumping this cheap labor into an already demoralized labor market at the expense wholly of the local workman, his family, and his community.

To permit the Federal Government to aid in the disruption of stable labor conditions is not fair or decent. Nor is it fair or decent to permit practices that discriminate against the local contractor or the general contractor who does not believe in taking advantage of demoralized labor conditions in any community in which he may operate.

This measure is also indorsed by labor generally and by the American Federation of Labor and its affiliates. It also has the support and indorsement of building contractors. Just as a brief illustration I want to read three indorsements that have come to me from contractors and contractors' organizations. The first is from the Thompson-Starrett Construction Co. It reads:

FEBRUARY 24, 1931.

Hon. ROBERT L. BACON,
*House of Representatives:*

We heartily indorse your bill entitled, "Prevailing rate of wages," and believe the passage of this measure will be a great aid in stabilizing labor conditions and permitting legitimate contractors to figure on public work.

THOMPSON-STARRETT CO. (INC.).

The next is from George A. Fuller Construction Co., reading as follows:

NEW YORK, N. Y.

Congressman ROBERT BACON,
*House Office Building:*

Supplementing our wire of yesterday requesting consideration of amendment introduced by Associated General Contractors to bill for prevailing rate of wages, we are in favor of original bill without amendment if amendment would jeopardize passage of bill.

GEORGE A. FULLER CO.

And the last one is from the Mason Contractors' Association of the United States and Canada, reading as follows:

MASON CONTRACTORS' ASSOCIATION OF
UNITED STATES AND CANADA,
*St. Louis, Mo., February 20, 1931.*

Representative ROBERT BACON,
*House of Representatives, Washington, D. C.*

TO REPRESENTATIVE ROBERT BACON: There has come to our notice the Davis-Bacon bill, regulating the pay of labor and mechanics on Government contracts which provides that contractors pay the prevailing rate of wages in the locality of the job.

This organization is vitally interested in its passing, and on behalf of the Mason Contractors' Association of United States and Canada, I would ask that you indorse the Davis-Bacon bill.

Respectfully yours,

T. W. KIRK, *Secretary.*

Under this measure the benefits of the public-building program will be spread out equitably over the country. The discrimination that both labor and the legitimate contractor are now suffering from, through unfair practices on the part of unscrupulous contractors, will be cured, and the

communities that this public-building program will touch will be dealt with beneficially and not adversely; the latter being often the case to-day.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentlewoman from New Jersey [Mrs. NORTON].

Mrs. NORTON. Mr. Speaker and gentlemen of the House, I think it very generous of the gentleman from Texas to yield me this time, for he knows that I am heartily in favor of the bill.

I sincerely hope that the Members of the House will give their unanimous support to this bill on account of its importance at this time, in view of the great number of contracts for Federal buildings soon to be awarded throughout the country.

May I say that I have had some personal knowledge of this matter during the recent erection of a Federal hospital in my State, and I believe this bill will safeguard a great many States against unjust contracts and discrimination against labor, as was the case to which I have referred in New Jersey. Organized labor has suffered much through selfish importation of labor from distant localities. While this bill may not absolutely prevent such condition, it is at least a step in the right direction, and will go a long distance to prevent the intolerable conditions labor has been subjected to in the past. [Applause.]

Our committee unanimously indorsed this bill, believing that the Secretary of Labor will render a just decision if and when cases are referred to him for determination in the event that a dispute arises with regard to the prevailing wage rates.

Under this bill the Government does not set up any new wage scale. It simply insists that the prevailing wage scale in the vicinity of Federal building projects be complied with; and this, I contend, is a matter of plain justice to the employees, the contractors, and the Government. Surely no Member of this House will vote against this humane and just bill.

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, the gentleman from Texas said that this was "the most ridiculous piece of legislation ever brought before a legislative body," when he should know there is not a progressive State or municipality in the Union that has not had identical legislation of this kind for years. Many of them have laws which go much further than this proposal.

While I am heartily in favor of the bill, I regret there is not included in it, as I have advocated for some time, some teeth, some penalty or forfeiture, so that the contractor can be compelled to live up to his contract and the law.

The appeal made here in behalf of the contractor is entitled to no consideration. The contractor does not pay this money out of his own pocket. The wages he pays are of no concern to him. The money comes out of the Treasury of the United States. The contractor figures what the prevailing wages are when he submits his bid. He is able to find out what the prevailing wages are much better than the Government. That is his business. He gets the money from the Government, and so far as he is concerned it makes no financial difference whether he pays the prevailing rate of wages or not. He includes it in his bid.

Mr. SNELL. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. SNELL. Is not this practically the New York State law on the same proposition?

Mr. O'CONNOR of New York. It is. New York was the pioneer in such legislation. Not only do all contractors on State and city public works have to pay the prevailing rate of wages, but recently the law was extended to include railroad grade crossing elimination work, because the State contributes a part of the cost of such work. The New York statute has penalty and forfeiture provisions which I hope in time will be incorporated in this law.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker and Members of the House, I appreciate this opportunity to indorse this measure and thank the gentleman from Texas for yielding to me when he knew I was not in accord with his views.

Mr. Speaker, this legislation is not only fair to the employee but most fair to the employer. It protects the local contractor from competition with an outside contractor who employs cheap labor, inferior labor.

Two great buildings, a Federal office building and a new post office, involving an expenditure of nearly $10,000,000, are to be constructed in my city, St. Louis. I would like to see those buildings constructed by a St. Louis contractor and by St. Louis labor. This law will apply and the local contractor will not be required to compete with a foreign contractor who, if he secured the contract, would be required to import cheap labor. What would result if cheap labor was brought into my city? It would be resented, and trouble would result.

In the last few days contractors from my city have wired urging that this bill be amended. These telegrams result from a general letter sent out from Washington by the contractors' association. Amendments can not be offered under the rule. It is now too late to change the bill. It seems to me if there was objection to this particular bill the contractors' associations should have made their views known before the committee. I have indorsed the principles of this legislation before the Committee on Labor on several occasions at open hearings.

Union labor understands that under the Constitution the Treasury Department can not specify the use of union labor in connection with the construction of public buildings. Organized labor does not ask special favors. In supporting this bill all it asks is fair play. I feel that instead of opposing this bill all reputable contractors should feel indebted to those responsible for its enactment because in the end it will be beneficial to them.

The Congress should never overlook an opportunity to maintain the present standard of wages.

The enactment of this bill to-day means much to the Government, as it will result in the employment of the best class of mechanics in the construction of public buildings.

Mr. BLANTON. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank the gentleman from Texas for yielding time to me. I do not agree with his expressed views on this bill. I think it will be very helpful when it is enacted into law, and it will be particularly helpful I hope to the district which I represent, which includes the Military Academy at West Point, by empowering the Secretary of Labor to adjust labor disputes based on prevailing wage scales. For many years past I have had innumerable complaints from organized and unorganized labor stating that the West Point authorities did not pay the wage scale that prevails in the near-by towns and cities. Every complaint that came to me I forwarded to the War Department. The War Department forwarded that complaint back to West Point, with the result that nothing has been done in all these years. I hold in my hand a letter addressed to me dated May 6, 1929, from Mr. Green, president of the American Federation of Labor, which reads as follows:

DEAR SIR: A copy of your letter of April 24 to Hon. James W. Good, Secretary of War, is a practical plan of removing the grievances of the building-trades workmen at West Point. I understand that Representative JAMES has insisted that all future construction at West Point Military Academy should be submitted to public bids for the purpose of avoiding the methods used for some time in that Army post. It is also true that much criticism has arisen about the wages paid. It has been the practice to pay the workers at West Point less than they receive in near-by towns. Your letter to Secretary Good is appreciated, and I have sent a copy to Mr. William J. Spencer, secretary of the Building Trades Department.

Respectfully yours,

WILLIAM GREEN.

What I want to find out from the introducer of this bill is whether the provisions of the bill will apply to the con-

struction work that is being done and will be done in the future at the West Point Military Academy.

Mr. BACON. The provisions of the bill apply to all building constructions carried on by the Government, whether through the Treasury, the Veterans' Bureau, the War Department, the Navy Department, or any other department.

Mr. FISH. As I understand the bill, it applies to contractors. Suppose the military authorities do the work themselves, does it apply to them?

Mr. BACON. This does not apply to river and harbor work, or road construction.

Mr. FISH. The quartermaster does some of the work at West Point. Would it apply to that work?

Mr. BACON. Technically, no; this bill would not apply to that.

Mr. FISH. The gentleman from Michigan [Mr. JAMES] is here, and I serve notice now that I will try to provide that all future work be done by contract, instead of by purchase and hire by the quartermaster.

Mr. DOWELL. When this bill becomes the law, as it should, it seems to me the Government will be bound to observe its provisions as well as individuals.

Mr. BACON. This bill declares the policy of the administration, and I think they will be morally bound, in carrying out this policy, to do themselves what they require others to do.

Mr. FISH. That is the kind of statement and interpretation of the bill that I hoped to get into the RECORD.

Mr. JAMES of Michigan. It is not necessary for the gentleman from New York to serve notice on the chairman of the Committee on Military Affairs, because he stated on the floor that if the War Department had any construction work themselves and exceeded the limit, he would introduce a bill to prevent that thing.

Mr. FISH. In conclusion I want to say that I am wholeheartedly for the bill. I do not think it goes far enough. I am sorry there is not a clause in the bill to give preference to local and American labor over alien labor.

Mr. BACON. My original bill, which I introduced in 1927 and again in 1928 and 1929, had that additional provision in it, namely, to provide that citizen labor be employed on Federal works. This bill was drawn by five departments, and agreed on by five departments, and is introduced here as an emergency measure. I hope in the next Congress to again introduce a bill to provide that American workmen shall get absolute preference on all work carried on by or for the Federal Government. [Applause.]

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker, the sponsors of this legislation are to be congratulated for the good work they have done in bringing this bill before the House for final action. This is, in my judgment, good legislation, and I shall support it. In these days of improved methods and modern machinery we find the employer class generally resisting wage increases and work-period reductions. This false economic philosophy is in a large measure responsible for the terrible situation the country finds itself in to-day. It is apparent that machines are producers, but they neither purchase nor consume. The people are the consumers, and a vast majority are wage earners, who can only consume that which they can buy with the wages they receive for their labor.

With consumption falling far behind production and resulting in economic stagnation, it is our chief concern to maintain the wages of our workers and to increase them wherever possible. Wages should be maintained, and especially on Government work, for to fail in this regard would be setting a bad example for private enterprise and permitting a gross injustice to be perpetrated upon our citizens. This bill is a step in the right direction and should pass at this session of Congress.

Mr. BLANTON. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. BRIGGS].

Mr. BRIGGS. Mr. Speaker, I think this is one of the most advanced pieces of legislation which has been enacted by Congress in a very long time. I have known in communities throughout the United States, and even in my own, the utmost difficulties encountered by contractors, who figured upon paying the regular prevailing local wage scale, in obtaining Government building contracts, which otherwise they could have gotten, but were denied by reason of having to compete with outside contractors who did not feel constrained to abide by these regulations. This legislation, I understand, will in the future prevent any condition of that kind and enable the Government to get better returns for its money in higher efficiency and greater skill, and the localities and those who live in them will be benefited thereby. It is particularly important that the Government in its public-building program, and especially in periods of great unemployment, should endeavor to have local labor employed in the communities where the buildings are to be constructed, and to discourage the practice of importing labor from other States and regions when local labor and their families suffer for lack of work and an opportunity to earn their livelihood. This measure will go a long way in according to home labor in every community where a Government building is to be constructed the consideration to which it is justly entitled.

Mr. WELCH of California. I yield one minute to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. As the ranking Democratic member on the Committee on Labor, I wish to say this was a unanimous report by our committee. This is a good bill, and I am sure you ladies and gentlemen realize that this law prevents in every district in the United States the bootleg contractor, as the gentleman from New York said a while ago, exploiting labor and refusing to pay real wages to the American people, to which they are entitled.

Mr. ALLGOOD. Will the gentleman yield?

Mr. CONNERY. I yield.

Mr. ALLGOOD. Reference has been made to a contractor from Alabama who went to New York with bootleg labor. That is a fact. That contractor has cheap colored labor that he transports, and he puts them in cabins, and it is labor of that sort that is in competition with white labor throughout the country. This bill has merit, and with the extensive building program now being entered into, it is very important that we enact this measure.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. WELCH of California. I yield to the gentleman from Massachusetts [Mr. GRANFIELD].

Mr. GRANFIELD. Mr. Speaker, ladies, and gentlemen, the legislation under consideration deserves the support of every Member of this Congress, it should be passed by this branch and sent to the President with as much dispatch as the circumstances permit. It ought to be enacted into law before the adjournment of this Congress.

This bill is an emergency measure, and it is needed in order that the Government might be able to protect the rights of the workingman in the various communities in which Federal construction is contemplated. There is a crying need for this legislation. Its passage is indispensable at this time, in order to abolish the sharp business practices resorted to by certain contractors engaged in Federal construction.

We are in the throes of an unemployment depression, the worst in the history of this Nation. The Government is confronted with a stupendous task in its efforts to execute the greatest building program ever attempted by this Nation or any other nation in the history of time.

I am particularly interested in this legislation for the reason that Wednesday of this week bids were opened for the construction of a post office in the city of Springfield, which is in my district. This contract is to be awarded to a firm from Chicago. Other post-office projects under this program, I expect, will be allocated some time in the future. I am anxious that this policy of regulation be established at this time by our Government to protect those projects. This legislation will compel the contractors to pay the prevailing wage scale in the vicinity of the building projects and will prevent the importation of labor from distant points at wages far below the prevailing rates.

We have had some sad experiences in the past in other parts of the Commonwealth of Massachusetts. Some of you gentlemen are aware of the fact that a post office was erected in Lawrence, Mass. In order that you might understand the methods of some of the contractors that are doing Government work, with your indulgence, I will read a letter in connection with the Lawrence post office, addressed to me by Mr. P. H. Triggs, secretary and treasurer of the Massachusetts State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America:

Congressman WILLIAM J. GRANFIELD,
*Springfield, Mass.*

DEAR CONGRESSMAN: At the July convention of the Massachusetts State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America, held at Brockton, Mass., the conditions under which our Federal Government is permitting some of the work on local post offices to be conducted was brought to our attention, one of the most flagrant violations was the repainting of the post office in Lawrence, Mass., recently.

The Goldman Construction Co., of New York, was awarded this contract, being the low bidder; local contractors' bids were higher because they were based on decent conditions of employment and wages established in that city. The employees of the Goldman Construction Co., without any regard for these established conditions, worked 12 to 15 hours per day including Sunday; it was reliably reported that these workmen did not even shave during the three or four weeks they were on the job. As a further climax to such a spectacle, they worked on this job July 4, our national holiday. No official of the Government interfered, but local workmen disturbed by this lack of respect for the day we all celebrate, went to the job and asked them why they did not stop work out of respect at least for our national holiday. They are reported as replying "the 4th of July did not mean anything to them."

You can well imagine the reaction that resulted locally, many out of employment through no fault of their own, anxious and willing to work if they could procure it and when our Federal Government, in pursuance of their program of building construction and repair, permit such a condition to exist—is it any wonder that the present unrest is augmented? As a Representative in Congress we believe that such a condition would not be condoned by you or permitted if you were consulted, and we are in the hope that you will bring this matter to the attention of the proper authorities in Washington and also to the Committee on Labor who are considering H. R. 7995, H. R. 9232, and H. R. 10256, which bills include citizen's preference and the payment of the prevailing rate of wages on construction and alteration work for the Federal Government similar to the law in Massachusetts and other States.

We are in hopes that the Committee on Labor will report favorably on this subject matter because if the present system of awarding contracts is permitted to continue with no protective labor clauses, a repetition of the conditions complained of in Lawrence can be expected in other localities, a condition that makes a mockery not only of local labor conditions and wages, but the very reverence that the Sabbath and our national holiday is expected to instill in the minds and hearts of loyal and patriotic citizens of our great country.

We vigorously condemn such a situation as presented by the Lawrence post office job and we believe that you share with us this opinion and would respectfully urge that any immediate action that may appear necessary will be taken by you.

Hoping that you will acknowledge receipt of this protest and thanking you for any action you may take in the matter, we are

Very truly yours,

MASSACHUSETTS STATE CONFERENCE,
By P. H. TRIGGS, *Secretary-Treasurer.*

The conditions described in Mr. Triggs's letter ought not to be tolerated by our Government.

In consequence of this letter I communicated with James A. Wetmore, Acting Supervising Architect, Treasury Department, on August 8, 1930, calling his attention to the facts transmitted to me in the Triggs letter. My letter to Mr. Wetmore was as follows:

AUGUST 8, 1930.

JAMES A. WETMORE,
*Acting Supervising Architect,*
*Treasury Department, Washington, D. C.*

DEAR MR. WETMORE: At the July convention of the Massachusetts State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America, which was held at Brockton, Mass., certain conditions were discussed relative to the construction of the post office at Lawrence, Mass.

I am informed that the Goldman Co., of New York, which was awarded this contract, permitted its employees to work 12 and 15 hours per day, including Sundays, and that they engaged in work on the Fourth of July. Of course this condition ought not to exist under any circumstances, and particularly ought not to occur during these times of unemployment.

I am very much interested in the proposed construction of the Springfield post office, and I am interested that the work on this building be done by local workmen.

It seems to me that the Federal Government ought to adopt a policy that would give employment to men in the locality in which a public building is being constructed. To bring in outside contractors and outside labor into a community where there is a great deal of unemployment is an affront to the citizens of that community.

In awarding the contract in connection with our post office at Springfield, Mass., I trust you will give thought to these considerations.

I join with the members of the Massachusetts State Conference of the Brotherhood of Painters, Decorators, and Paperhangers of America in their protests of the conditions that prevailed during the construction of the post office at Lawrence, Mass. I trust that the citizens of my district will not be forced to observe persons outside of our own locality engaged in work when they are unemployed.

I shall be pleased to hear from you relative to this matter at your earliest convenience.

Very sincerely,

WILLIAM J. GRANFIELD.

According to the terms of this bill contractors and subcontractors engaged in the construction and the alteration of public buildings in the United States, and the District of Columbia, will be forced to pay their employees the prevailing wage rate of the community in which the work is done. Many advantages will accrue by the enactment of this bill, not only to the artisan, the mechanic, and the laborer, but to the contractor as well. For instance, a contractor coming from Chicago, as is the case with the Springfield, Mass., project, if he is forced to pay the prevailing wage rate in the city of Springfield, he will be inclined to engage workmen who reside in that city. To follow this course would be the sensible one in order to avoid the expense he would incur in the transportation of labor from Illinois to Massachusetts. The contractor and the Government would receive the fruits of contented labor, and the people in the particular location where the project was under construction would not be forced to sit in idleness while strangers came into their community to engage in employment that was rightfully theirs. The practice of importing cheap labor is an affront to the man who is willing and able to work.

The passage of this legislation would tend to force general contractors to recognize subcontractors in the locality where the building is to be constructed, and the community in the vicinity of the construction would receive the benefits that would accrue from the materials and accessories manufactured and used in the construction of the building. This regulation would maintain the standard of living in the community in which the building was under construction. This has been one of the aims and one of the purposes of our Government throughout this depression. All contractors would be placed on a fair and just basis in the submission of bids for the various Federal contracts. Our Government does not intend that contractors doing Federal work should employ cheap labor, neither does it expect that a contractor will make an unjust profit upon the toil of man. Our Government has always fostered the ideal that the standard of living during this depression should be conserved and maintained, and that it is the duty of every contractor in America to subscribe to this policy.

If the contractor fails to carry out the provisions contained in this bill and a dispute arises as to the prevailing wage rate, it is provided in this legislation that the matter of the dispute shall be referred to the Secretary of Labor for determination, and that the Secretary's decision as to the wage rate shall be conclusive on all parties to the contract.

According to the testimony of Secretary of Labor Doak, facilities for the conciliation of these disputes can be adequately and effectively taken care of by his department. This legislation has the approval of the Secretary of Labor, and every man who is behind the building program in our Government. It was stated by Mr. Wetmore of the Treasury Department and Mr. Doak, that this legislation was and is most urgent. It was their contention that if this regulation is made a part of each contract the Government would not only be in a position to enforce the prevailing wage scale but the legislation would create jobs in the localities where the work is being done.

I regret that this bill has not heretofore been enacted into law. I say this because I have some concern about the projects in my own district. I do not want to see workmen will-

ing and able to work, walking the streets, unable to obtain employment, suffer the affront of witnessing strangers take jobs from them to which they are entitled, and I serve notice now upon the contractor who is to be awarded the contract for the post office in Springfield, Mass., that if the Congress of the United States enacts this law that I shall expect, and the Government shall expect, the contractor to observe this policy of regulation. We do not want to witness in my district the scandalous spectacle that occurred in Lawrence when bootleg labor was imported into that city, and where the citizens of that community were forced to observe not only violations of our labor laws, but a disrespect for the Sabbath and a national holiday. The citizens should not be forced to endure these conditions. The underlying provisions of the building program are to provide employment and to maintain the standard of living. Importation of foreign labor into a community in these times by foreign or local contractors is an insult to the unemployed in the locality where Federal construction is in progress.

In connection with the Springfield project I have this day urged James A. Wetmore, Acting Supervising Architect of the Treasury Department, that he impress upon the general contractor adherence to the provisions of this regulation, and that he employ, whenever possible, local labor. I have the assurances of Mr. Wetmore that he intends to do everything in his power to have the contractor on the Springfield project recognize the rights of our citizens, and give them employment and pay them the wages according to the wage scale that prevails there.

It is unfortunate that under the law in communities where firms of high standing in the business world, with facilities adequate to construct a project of the type of the Springfield post office, can not be given a preferential status. Springfield is fortunate in that it has among its many business enterprises such construction concerns as the Fred T. Ley Co., J. G. Roy & Sons Co., and A. E. Stephens, contractor. If any one of these concerns had been awarded the Springfield contract, the propositions which concern us to-day would be avoided so far as that project is concerned. The Fred T. Ley Co., the J. G. Roy & Sons Co., and A. E. Stephens, contractor, would recognize not only the prevailing wage scale in the community; they would also employ local labor.

There is another feature of this building project that the citizens of New England are vitally interested in. We believe that in the construction of our buildings materials manufactured in our locality should be used. It was the intention originally of our Government to use limestone entirely in the construction of the various Federal buildings. To follow this plan would be unjust and unfair to the people in the granite industry. New England is foremost in the production of granite. Indiana is foremost in the production of limestone. In fairness to New England industries granite should receive the consideration of our Government wherever possible so that this industry which has been lagging, like all others during this depression, could be revived.

Under date of February 21, 1930, in a letter to the Supervising Architect of the Treasury Department, and which I include as a part of this speech, and which is as follows—

FEBRUARY 21, 1930.

SUPERVISING ARCHITECT,
*Treasury Department, Washington, D. C.*

DEAR SIR: Several of my constituents have placed before me their objections to the use of limestone as a building material in the construction of our proposed post-office building in Springfield, Mass. Limestone was used in the construction of our municipal group, and we have found that it is not a good material for our climate and that our municipal group, by reason of the fact that the limestone is fast going to pieces, requires constant patching up.

I thought it might be well for me to give you this information, for I, as well as a great many people in the city of Springfield who will have occasion to use the post-office building, believe that granite should be the material used in the construction of this building, instead of limestone.

I trust you will give this matter your earnest consideration. I shall be happy to discuss this matter with you at any time at your convenience.

Yours very truly,

WILLIAM J. GRANFIELD.

it was urged that the Treasury Department consider granite in the construction of our post office. I called attention to the fact that many constituents were anxious that granite be used in the Springfield project. Hon. Joseph B. Ely, Governor of the State of Massachusetts, in his efforts to relieve unemployment in that Commonwealth, has repeatedly urged Members of Congress and the Government to give the granite industry of New England the consideration to which it is entitled. On the floor of this Congress it has been urged with great force by the Members from the New England States that the Government give consideration to the granite industry of our section of the country. I wish to urge upon the officers in charge of the Treasury Department that they accept the granite bid which was submitted by the contractor engaged to construct the Springfield post office.

I trust I have made the necessity of this legislation plain to the Members of this House. If it is adopted it will not only regulate the conduct of contractors who build our post offices, but it will be far-reaching in its effects upon every building contract entered into by our Government where the sum involved is in excess of $5,000. This bill has the approval of contractors, leaders in industry, and labor organizations throughout the United States. It has the approval of every person designated by the Government to carry out the public work program. It is urged and advocated by the Secretary of Labor, Mr. Doak. I trust that this House will pass this legislation, which is of great merit, unanimously.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. BRIGGS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

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

There was no objection.

Mr. WELCH of California. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. KOPP].

Mr. KOPP. Mr. Speaker and ladies and gentlemen of the House, we have been passing through a period of depression and unemployment and to aid in relieving the situation the Government has entered upon a very extensive public building program. It has been the desire of the President and of the administration generally to maintain the existing wage rates. Under the law, however, the Government has been compelled to award the contracts for public buildings to the lowest responsible builders. This has enabled contractors who had recruited cheap labor to go into communities where higher wage rates prevailed and outbid the local contractors. As a result, the local contractors have not had a fair chance, and local workmen have often been compelled to walk the streets while strangers have done the work.

Not only have the cheap wage rates paid to imported workmen made it possible for their employers to secure public building contracts, but they also have had a strong tendency to depress the wage rates generally in the communities where public buildings have been constructed.

The purpose of this bill is to require the contractors, including subcontractors, to pay not less than "the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia, if the public buildings are located there." With that purpose every good citizen must agree. No one asks the contractors to pay more than the prevailing rate in the community where the work is done. This bill simply requires the contractors not to pay less than is paid in private industry. It is simply insisted that the Government shall not use its power to demoralize the wage rates in places where public buildings are constructed. Nothing could be fairer. Nothing could be more just and equitable. This is a policy to which no one can take exceptions.

With the purpose of this bill all must be in accord, but it may be asked, Will the bill, if enacted into law, accomplish its purpose? That is a fair question. It may be pointed out that there is no penalty in the bill for its violation. That is true, but nevertheless violators of the law can be easily and

effectively penalized. If contractors pay less than the prevailing rates, and thus violate both the law and their contracts, the Government can in the future refuse to recognize them as responsible bidders. [Applause.] It is believed that this power in the hands of the Government will prove a very persuasive argument and will prevent violations of the law. It is not improbable that this power will be more effective than would be provisions in the bill containing penalties and forfeitures.

It may be pointed out that the term "prevailing rate" has a vague and indefinite meaning, and that therefore the law can not be enforced. The Supreme Court of the United States in Connally *v.* General Construction Co. (269 U. S. 385) has held that the term "current rate," as applied to wages, is uncertain in meaning, and I think that if the term "prevailing rate" were before the same court the ruling would be the same. Nevertheless, I believe this bill, if enacted into law, can be, and will be, effectively enforced. Under this bill the power will be given in each case by contract to the Secretary of Labor to determine what the prevailing rates are, and I know of no reason why such a contract will not be valid and binding.

It has been suggested that the Secretary of Labor might make one decision as to prevailing rates to-day and a different decision to-morrow. Some contractors have stated that the uncertainty of the "prevailing rate" would compel them to add a margin of safety to their bids. I do not speak for the Secretary of Labor, but I think it is safe to assume that the Secretary of Labor will formulate a fixed and definite method for determining the "prevailing rate," and make it known to the contractors. That will enable the contractors to bid intelligently and will give all a fair chance, no matter how many competitors there may be.

A method for determining the prevailing wage rate might have been incorporated in the bill, but the Secretary of Labor can establish the method and make it known to the bidders.

It may also be claimed that this bill, even if enacted into law, will not have any force or effect unless the officials letting the contracts for the Government and the Secretary of Labor are in sympathy with the law. I concede that this is true. Without officials in sympathy with the law it will be of no value, but I fully believe that the officials, no matter which party may be in power, will do their duty. The Secretary of Labor, Mr. Doak, is heartily in favor of this bill and will do his utmost to carry out its provisions. Mr. Payne, The Assistant Secretary of War, appeared before the Committee on Labor in behalf of the bill. As you know, Mr. Payne is from Massachusetts. In the language of our most distinguished private citizen, I say: "Have faith in Massachusetts." Mr. Wetmore, the efficient and capable Supervising Architect of the Treasury, has strongly indorsed the bill. In his own vigorous way he told the committee that he could and would enforce the law. Mr. Wetmore comes from the State of New York. Having known Mr. Wetmore for some years, I feel fully justified in saying "Have faith also in New York." At the present time the officials who will let the contracts for public buildings are in entire sympathy with the bill and every effort will be made by them to enforce the law. If we ever have officials not in sympathy with the law, it will then be time either to change the law or to change the officials. [Applause.] Probably the latter will be the wiser thing to do.

The present conditions are intolerable. Immediate action is necessary, as many contracts are to be let in the near future. Perhaps somebody could draw a better bill, but thus far nobody has done so, and we can not wait longer. This bill should be passed at once. Do it now. Mr. Speaker, I am glad to give this measure my hearty and earnest support. [Applause.]

Mr. WELCH of California. I yield to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK of Massachusetts. Mr. Speaker, the bill under consideration, known as the Bacon bill, is one that should become a law this session. It is a bill which has been unanimously acted upon by the Senate only a few days ago, and a bill identical in form and phraseology has been favorably reported by the House Committee on Labor. There is an urgent demand and necessity for the passage of this bill. It is aimed to correct a condition which now exists, as a result of which unfair and unscrupulous methods are employed by certain contractors who are awarded governmental contracts for the construction of Federal buildings. The main purpose of this bill is to compel, by indirection, contractors awarded Federal building contracts to pay those whom they employ the "prevailing wage scale" in the district or community in which construction work is being done. By accomplishing this the bill also brings benefits to those contractors who, in submitting bids, intend and desire to pay a decent wage to those whom they may employ. It will force the contractor who heretofore has used cheap, imported labor to submit bids based upon the payment of the "prevailing wage scale" to those employed. That is as it should be. It will thereby enable honorable and decent contractors to submit bids with the knowledge that, so far as wages is concerned, the unfair competitor of the past no longer exists. It compels the unfair competitor to enter into the field of fair competition. It also compels such contractors to pay a living wage and, of necessity, to give consideration to the employment of local labor.

In the past it has been very difficult for a contractor who intended to pay and did pay a living wage to successfully compete with the contractor who had no regard for such considerations. This is particularly so when it is understood, except where time is the essence of the contract, that awards must be given to the lowest responsible bidder. While this bill does not change the necessity of a contract being awarded to the lowest responsible bidder—which, I hope, some day will be changed, residing in the officials awarding the contract some discretionary powers—nevertheless it does provide that the payment of the "prevailing wage scale" shall be made a part of the contract. The contractor in submitting his bids must give this important change in existing law consideration. In the case of the contractor who has been in the habit of employing cheap labor, which might, in a sense, be termed forced labor, and usually imported labor, it will compel him to increase his bids. While the purpose of this bill is to assure to those employed on Federal construction work the payment of the "prevailing wage scale" and to also assure employment of local labor, one of the effects of the passage of this bill will be to compel unfair contractors to stand on the same footing, in submitting bids, as honorable contractors, who have always had a regard for and lived up to the "prevailing wage scale" that existed in communities in which they were doing Federal work.

The importance of the provisions of this bill and the effect that it will have if it becomes law can not be underestimated. Its passage will meet the approval of everyone except the contractors who, in the past, have been using imported labor, which is invariably cheap labor.

The passage of this bill removes from a contractor the incentive or motive to import cheap labor from one section of the country to another. It will in no way affect the use by a contractor of his regular and permanent supervising force. This type of legislation has been agitated and urged for many years and has the united support of all elements of organized labor, and particularly that great, progressive, and constructive labor organization, the American Federation of Labor. This type of legislation commanded my attention shortly after I became a Member of the Congress. At that time I introduced a bill which incorporated therein the provisions of the pending bill, and in the last session of the Congress, when the House Committee on Labor held hearings on various bills referred to it, I appeared before that committee and urged the passage of legislation of the kind contained in the pending bill. One of the strongest, if not the strongest, proponents of this type of legislation in either branch of the Congress is the able and brilliant gentleman from New York [Mr. BACON]. He has fought for the passage of this legislation for several years,

and during the hearing before the House Committee on Labor made an argument which was brilliant and convincing. I want to congratulate him for his adherence to such a worthy and constructive cause. In the main, the present status of this bill is due to his untiring efforts, and its passage will be a monument to the character of service that he renders.

I urge the passage of this bill, that there will be no further delays, in order that its provisions may be made a part of all contracts that may be awarded from now on. We have provided for a very extensive building program for the purpose of trying to relieve the acute and distressing unemployment that exists. In times of economic distress such as exists to-day unscrupulous contractors can impose almost any wage conditions upon persons who are seeking employment. At the present time employees are competing with each other for employment, and the natural result is that they in their anxiety to secure work underbid each other. An unscrupulous employer on Federal work will take advantage of these conditions unless this bill becomes law.

If ever there was a time that conditions warranted, yes, demanded, the passage of such legislation, it exists at this time. This bill establishes a logical and proper policy, and we are justified, in fact, I consider it my duty, to commit the Federal Government to this policy. While this bill is a decided step in the right direction, nevertheless, it has one weakness which is likely to impair its effectiveness, unless the representatives of the Federal Government are insistent that violations of the "prevailing wage scale" provision in a contract are enforced by resort to the courts to enforce its terms, or unless they consider a contract breached if a contractor fails to comply with the terms of the contract. In the pending bill there is no provision for a penalty in the event of a violation. If that existed there would be less likelihood of attempts being made, after a contract has been awarded, to evade its terms. However, it was impossible to have provisions for a penalty included at this time, and rather than have no legislation at all, it is best to accept the pending bill and, if necessary, to later seek additional legislation. If the representatives of the Federal Government insist upon contractors adhering to the "prevailing wage" part of a contract there will be no necessity for additional legislation. I have confidence that contractors will be expected—and where they do not made—to live up to the intent of the Congress in passing the pending bill, if it becomes a law.

There has been some objection advanced by some of that large group of fair contractors who submit bids on Federal work that what constitutes the "prevailing wage scale" in a community should be determined and made known to them in advance. I agree that there is considerable logic to this contention, and would like to see the bill drafted in such a manner that this valid objection might be taken care of. However, an attempt to amend the bill at this late date means its defeat for this session, and probably for many years to come. The bill has reached its present stage only after many years of patient and faithful effort by those who favor it. We can not afford to endanger its passage now. I am satisfied that the operation of this bill will prove satisfactory to the objecting contractors.

The intent of the Congress is clear on this question and objection. It is our intent, as I understand it, that Federal departments shall cooperate in every way possible in giving contractors all information in determining what is the "prevailing wage scale" in a community in which work is to be done. The department awarding the contract has the implied power under the provisions of this bill to take such steps as will carry out the intent of the Congress and, if necessary, to investigate and determine what the "prevailing wage scale" is, where work is to be done, in assisting contractors in submitting bids. In any event, if this bill passes and a department leaves the determining of the "prevailing wage scale" to contractors, and this condition results in a hardship, it can easily be remedied in the next Congress by an amendment. Once the pending bill becomes law it will be easier to amend it in the event of necessity and in response to the principle of fairness.

At this time I am particularly anxious to see this bill become law, so that its provisions may apply to the awarding of the contract on the new Boston post office. At the present time 11 per cent of the employees of Boston are out of employment. If local labor is employed, this work will greatly minimize the suffering that exists. The passage of this bill will assure employment of local labor and also bring to them the payment of a wage that will assure to them the American standard of living.

The following editorial which recently appeared in the Washington Star ably states the advantages of this bill and the necessity for its passage:

CHEAP LABOR AND LOW BIDS

The low bid for a school-building project in Washington—an 8-room addition to the Stuart Junior High School—again has been submitted by an out-of-town contractor, and unless there are unusual conditions relating to discretion in the use of materials, the commissioners under the law have no alternative and must place the contract with the low bidder. The low bidder, in this case, enjoys a favored position among other bidding contractors because of the use of cheap, nonunion labor. The differential in the wage scale largely accounts for the difference in bids.

The situation in connection with the award of contracts for District of Columbia public buildings is well enough known by this time to be understood by everybody. By law the commissioners have no discretion in the matter. And as the law works, contractors from out of town are able to submit bids based on low wages, eventually bringing in mechanics from the States to compete with Washington mechanics, who have established themselves in the community on a recognized scale of wages that should not be reduced. To reduce the scale of wages means to lower the standard of living. Some of the very mechanics who are denied work on these local projects contribute through their taxes to the public money that finances the projects.

On last Wednesday the Senate unanimously passed and sent to the House a bill by Senator DAVIS, of Pennsylvania, requiring contractors on public buildings in Washington and elsewhere to pay laborers and mechanics the wage scale prevailing for similar work in the community, and setting up the procedure for determining the prevailing wage scale. The purpose of the bill, which received the favorable indorsement of Government officials and the heads of labor organizations, is to prevent the very condition that exists here when a low bidder from out of town brings in foreign, cheap labor to fulfill his contract. The bill merely enacts into legislation a policy already urged by the Treasury Department in connection with the Government's public-works program.

The House should take up this bill and complete its enactment at this session. Furthermore, the bill should be clear as to its application to public works undertaken by that agency of the Federal Government, the District of Columbia, and should remove any conflict which may exist between its provisions and the mandatory provisions of the District appropriation bill regarding the award of contracts to the lowest responsible bidder.

It is only through the passage of this legislation that the workingmen of the District may receive the protection against unfair competition that is given the workingmen of other jurisdictions by their local governments. It is the reasonable approach to a serious problem. Bids for District of Columbia work can not and should not be restricted to local contractors. But the low bidder should be compelled to base his bid and fulfill his contract obligations on a scale of wages determined by the prevailing scale of the community.

Mr. WELCH of California. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. FITZGERALD].

Mr. FITZGERALD. I am for this bill. I am for it not only because organized labor is for it, but I am for it because of the bitter experience of my home city, Dayton, Ohio, in the erection of the new Hospital at the Central Branch of the Soldiers Home. The contract for this more-than-a-million-dollar construction went to a corporation from a distant State. Subcontracts for work and material went to remote places. The contractor had obtained the contract by competitive bidding. He intended to make a profit. He was entitled to make a profit. There was nothing in his contract to compel him to pay the prevailing rate of wages although that is a settled Government policy where the Government engages in construction without the intervention of contractors. Men were lured from distant places to work on this new hospital, the construction of which started about May 1, 1930. Thousands of men were already

out of work in the city. The situation was acute. Would it have been less than human for the contractors to take advantage of the depression to get the work done cheaply; to beat down the local standard of wages and demoralize labor conditions by hiring those from distant points who were willing and eager to take less and crowd out the local people? Not only did the labor organizations protest, but the Builders' Exchange, the local contractors, and more significant than all, the officers of the community chest, who could foresee at the termination of the work, these people from miles away stranded as derelicts on the community for our already outraged people to support.

Although it is a settled Government policy to pay the prevailing rate of wages in communities where Government work is carried on, yet no provision is made for the enforcement of this wise policy where competitive bids for construction are required as on this hospital. I understand that the Comptroller General has ruled that it would be unlawful to write such a specification into a contract. No way remains then but for us to enact the proper legislation to permit and to compel the observance of the established governmental policy on all important public constructions.

Local standards of wages and living must be upheld and it is by such a law as we here propose that we may accomplish what we seek.

The gentleman from Texas [Mr. BLANTON] denounces this bill as ridiculous and charges us who advocate its passage with being influenced solely by the clamor of organized labor. And he speaks of organized labor as ungrateful and unappreciative.

If organized labor in my district is interested in the passage of this bill, as I hope they are, they are strangely silent and apathetic. They seem like so many others keenly alive to a present situation, aroused and indignant when they saw the demoralizing conditions of the hospital being built, but now that there is no other immediate Government project in sight in the community, they show little concern. No one can nor should expect applause or appreciation from the passage of this bill. Anyone who votes for this bill or any bill simply to curry favor with any class of people, believing it to be economically unsound, is likely to be disappointed.

It has been charged that the erection of the hospital, the expenditure of more than a million dollars of Government money in my home city, was not a benefit but a curse.

We have undertaken a great public-building program throughout the Nation. We are to spend more than $600,000,000. Do you want other communities to have the expeperiences that Dayton, Ohio, and Northport, N. Y., have had? If you want our building program to alleviate distress and to be a blessing instead of a source of dissatisfaction, demoralization, resentment, and unhappiness, then vote for this bill.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired. All time has expired.

Mr. SIROVICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SIROVICH. I would like to ask the distinguished gentleman from Texas [Mr. BLANTON] if it is not a matter of fact that every improvement which labor has received from the social, economic, and human standpoint has come through the medium of the American Federation of Labor?

Mr. BLANTON. Yes; that is so; but in the splendid, enterprising, progressive open-shop city of Dallas, Tex., the open-shop contractors are paying higher wages to-day under the open shop than union contractors are paying for union labor.

The SPEAKER pro tempore. The gentleman from New York did not propound a parliamentary inquiry, nor was the answer of the gentleman from Texas parliamentary. All time for debate has expired.

Mr. ARENTZ. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARENTZ. Is there any way by which any Member of this House can have placed in this bill an amendment providing for the same sort of conditions at Boulder Canyon Dam?

Mr. BANKHEAD. Mr. Speaker, that is not a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will state, in answer to the gentleman from Nevada, that there is no such way.

Mr. CONNERY. Mr. Speaker, is it in order now for the chairman of this committee to ask that all Members be permitted to revise and extend their remarks on the bill just passed?

The SPEAKER pro tempore. That is in order.

Mr. WELCH of California. Mr. Speaker, I ask unanimous consent that all Members may have until the end of the session to revise and extend their remarks on the bill just passed.

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

There was no objection.

Mr. GLOVER. Mr. Speaker, ladies and gentlemen of the House, Senate bill No. 5904, which is now before us for consideration is, in my opinion, one of the best bills proposed for the protection of labor. The bill provides that every contract in excess of $5,000 in amount to which the United States or the District of Columbia is a party which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia shall contain a provision to the effect that the rate of wages for all laborers and mechanics employed by the contractor or subcontractor on the public buildings covered by the contract shall not be less than the prevailing rate of wages for work of a similar nature in the city, town, or village or other civil division of the State in which the buildings are located.

The bill further provides that in case there is a dispute as to what is the prevailing rate of wages the matter is to be referred to the Secretary of Labor, and his decision shall be final. The bill further provides that in the case of a national emergency the President is authorized to suspend the provisions of the act.

This bill has the indorsement of the Secretary of Labor, the Secretary of the Treasury, the War Department, and the representatives of labor. The report on this bill further shows that the builders throughout the country advised the committee considering this bill that they favor it. The bill does not undertake to fix a wage scale. It simply protects labor in the city or town in which the building is to be built for the Government, so that imported labor will not be brought in and displace local labor.

Government contracts are required to be let to the lowest bidder. Some contractors will underbid others engaged in the same business and import his cheap labor or transient labor and pay such a small scale of wages that no one can live on it. It also unjustly deprives the local laborers who have built their homes in the city, pay their taxes to support a city, State, and National Governments, that help to support local schools and churches, of an opportunity to follow their trade in their own locality.

This bill is very important for the protection of labor in my State, the great State of Arkansas, where more Federal buildings are to be built this year than has ever been built in this great State. The total cost of the construction of Government buildings in this State is $4,855,000, and these are to be constructed this year. I will give you a list of the buildings to be erected in Arkansas, and they are as follows: Hot Springs Army, Navy, and veterans' hospital, $1,500,000. Post offices: Blytheville, $95,000; Brinkley, $65,000; Conway, $90,000; Eldorado, $425,000; Forest City, $85,000; Jonesborough, $110,000; Little Rock, $1,435,000; North Little Rock, $110,000; Pine Bluff, $55,000; Stuttgart, $95,000; Texarkana, $790,000. If foreign or transient labor was imported to take the place of the laborers and mechanics who will be employed and should be employed to build these buildings, it

would be very hurtful to local labor in each of these cities. I am very glad to have the privilege of supporting this bill, which will mean so much to the laborers and mechanics of my State.

Mr. CONDON. Mr. Speaker, if we wish to do something of real benefit to labor before this House adjourns, we can do nothing better calculated to effect that happy result than to pass this bill to maintain the general standard of wages on Federal building projects in the communities from which we come. This legislation has already passed the Senate. Favorable action in this House to-day will advance it immediately to the President, where they are assured it will receive Executive approval. Nothing said in debate thus far appeals to me as a sound reason for our standing in the way of the enactment of this bill into law. On the contrary, much has come out in the course of the discussion that leads one irresistibly to the conclusion that this legislation has been too long delayed.

Much harm and injustice have already been done by greedy and unprincipled contractors who have taken advantage of their freedom from such restraint as here proposed to exploit the desperate unemployed by transporting laborers and tradesmen to distant points in order to employ them at starvation wages far below the scale in effect in the locality where the Government building is being erected. Thus a program which this Congress authorized to aid the unemployed and distribute widely throughout the country opportunities for local employment has been perverted into an instrument of oppression. By the transportation of low-paid labor from distant points local labor has been unfairly and unjustly deprived of the opportunity which Congress intended to provide in its behalf. Not only have the local unemployed suffered thereby but those already employed in such localities have been threatened with a lowering of their scale of wages because of the depressing effect of the importation of this cheap labor.

As I see it, we must pass this bill or stand condemned as furnishing a powerful bludgeon for the use of these unprincipled contractors to browbeat labor and force other honest and legitimate contractors to resort to lower wage scales to meet this unfair competition. In fact, the conditions in this bill ought to have been made an integral part of the emergency building-program legislation which we enacted at the very outset of this session. We can not undo the harm that has already been done by our failure to foresee and provide against the abuses which we now know exist, but we can by favorable action here to-day prevent future injustices.

I am intensely interested in doing all I can by my vote to get such legislation enacted immediately because of several very important projects about to be awarded in my State. I am especially anxious that there shall be no importing of cheap outside labor into Rhode Island at wage scales under those generally prevailing there. If such a thing should happen, I know that the people of my district, far from looking upon the construction of a Federal building as a boom to the district, would view it as a distinct and most unfortunate calamity. I have had letters from reputable contractors and from labor leaders in my district who fear this very thing, and not without just cause, as the facts brought out in this debate to-day well illustrate. The news of these abuses related here would seem to have traveled far and wide, and with good reason.

I want to be able to assure the people of my district, particularly those of the cities of Pawtucket and Woonsocket, where two post-office buildings are about to be erected, that they need have no fear of the importation of cheap labor on these projects. I can do this if this bill passes to-day, and I therefore intend to vote for it and hope it will receive the unanimous support of the House. I have already in several communications to the Supervising Architect of the Treasury urged that local labor and locally produced materials be utilized in the construction of the new Federal buildings not only in my district but throughout the State of Rhode Island. I have particularly urged upon him the use of Westerly granite in these buildings in preference to limestone. This particular granite is a Rhode Island product and universally recognized as a superior type of building stone. It seemed to me and to the people of my district that for Rhode Island buildings, at least, this material ought to be used and thus assist in reviving a local industry. I want to say here that my suggestions in this regard were favorably received by the Supervising Architect's Office, and I have been assured that this Rhode Island product would be used wherever the appropriation permitted. If, now, we can be absolutely assured, as we shall be by the passage of this bill, that local labor will have first call at prevailing rates of wages locally on these buildings, the result will be most happy. Wages will be maintained, resentment at imported labor at work on a local project while local labor looks on helpless and unemployed will be removed; local subcontractors will have a fair chance to participate in the work, and generally the local community will feel that the great Federal Government is doing something real and tangible to help business out of this seemingly endless depression.

For these reasons, Mr. Speaker, I gladly support this measure and at the same time add my word of commendation of the distinguished gentleman from New York [Mr. BACON], who has labored so persistently to get this matter up for the consideration of the House in these crowded closing days of the session.

Mr. PRALL. Mr. Speaker, ladies and gentlemen of the House, Senate bill 5904 provides that every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, or repair of any public buildings of the United States, shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall not be less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other subdivision of the State in which the public buildings are located; and a further provision that, in case any dispute arises as to what are the prevailing rates of wages, the matter shall be referred to the Secretary of Labor for determination, and his decision shall be conclusive on all parties to the contract.

This bill which is before us to-day is, in my opinion, one of the most advanced and far-reaching pieces of legislation, beneficial to labor, that has come before us for consideration by this Congress, and I sincerely hope it will be approved.

That its objective will work out in practice as effectively as we desire, I am not certain; but in any event, with the whole-hearted cooperation of department heads, I am sure labor will be protected and a fair wage paid on all public buildings erected by the Government of the United States.

That is what the mechanic wants; it is what the contractor wants; and in these stressing days of unemployment it is what every community needs. There seems to be some apprehension lest the objects of the bill will not be attained. The Comptroller General has suggested that "A prudent contractor would necessarily be required to include in his proposal sufficient sums to protect him against any increase of wages; and if the increase did not take effect, the public would nevertheless be required to pay the contractor the agreed price for the performance of the work, and thus the contractor would secure unjustified profits for the work. On the other hand, if the wages were increased above the amount included by the contractor for such increases, the probabilities are that the contractor would default in the performance of the work and it would have to be completed either by the surety or the United States."

While that may be a discouraging picture of the possibilities, it is not, I am sure, probable that increases of wages will occur during the interim dating from the award of the contract to the completion of the work. Shifting of wage rates do not come upon us quite as unexpectedly or as suddenly as that. I am in agreement with the idea that has

been expressed here to-day that it might be advantageous for all parties concerned to have the wage rate for all labor stipulated in the contract. Such a provision would reduce any uncertainty that might prevail.

I, also, observe the bill fails to provide penalties for violations of its provisions. This omission, I think, is serious. Penalties severe enough to guarantee performance should have been provided. However, if the bill passes, and I am sure it will, we will try it out. If we find unscrupulous contractors attempting to beat the law, we can quickly amend it by putting teeth in it.

This law, Mr. Speaker, will remedy some long-existing evils in connection with public letting of Government building contracts. It will guarantee fair wage scales throughout the country on all public-building construction. It will prevent unreliable contractors bidding against reputable contractors and the transporting of cheap labor to the scene of operation in order to reap profits. It will prevent contractors taking advantage of the unemployment situation by lowering wages after securing contracts on bids based upon higher or prevailing rates of wages. It will mean more employment of local contractors and local labor. It has already been well stated that the Goverment should be the last employing agency to expect or countenance the performance of its construction contracts at the sacrifice of its citizens.

This law will prevent a recurrence of a situation that unfortunately developed in the erection of a new building on the Fort Wadsworth Reservation in my own district. On this job secured by a private contractor 50 per cent of the carpenters employed at one time were aliens, while thousands of unemployed American citizens were tramping the streets looking for work. It may also prevent a recurrence of the employment of civilian prisoners at no wages in Army reservations for the purpose of erecting buildings for which no appropriations have been made by Congress.

During the year 1930, and I presume up to the present time, civilian prisoners have been transported from the Federal prisons and have performed the work of skilled mechanics at Army reservations in competition with honest labor, and when I complained to the President of this condition I received little satisfaction and the unemployed received none.

The Government has entered upon a gigantic building program, perhaps the greatest the civilized world has ever contemplated, and it is but fair, just, and reasonable to expect that its benefits should go to the citizens of the communities wherein new public buildings are to be constructed and not to the unscrupulous contractor or to bootleg labor.

Mr. ZIHLMAN. Mr. Speaker, as a former chairman of the Committee on Labor, and as ranking member of that committee, I take pleasure in supporting this legislation, and I congratulate the committee and Congress for having given attention to the subject matter of this very important measure, which will not only protect the rate of wages for the various communities, but will be a substantial contribution to local contractors where local labor is used in the extensive building program now under way by the Federal Government and the District of Columbia government.

Under the provisions of this bill, in the awarding of every contract over $5,000, contractors and subcontractors engaged in constructing, altering, or repairing any public building of the United States or the District of Columbia are required to pay their employees the prevailing wage rates existing in the community, which have been established by private industry. In the event a contractor is unable to adjust any dispute as to the prevailing wage rates, this bill provides that the matter shall be referred to the Secretary of Labor for determination, and the Secretary's decision as to the wage rates shall be conclusive on all parties to the contract.

The Federal and District of Columbia governments have entered on an extensive building program throughout the United States and in the District of Columbia, and it is expected that during the coming 8 or 10 years more than $500,000,000 will be spent for the construction, alteration, and repair of public buildings.

Not only is it intended that ample facilities shall be afforded for the housing of Federal activities and the activities of the municipal government of the District of Columbia but this program is entered upon at this time as an aid to unemployment and a benefit to every element in the various communities, by furnishing employment and accelerating every avenue of trade.

The Federal Government must, under the law, award its contracts to the lowest responsible bidder, and this has prevented the departments involved from requiring successful bidders to pay wages to their employees comparable to the wages paid for similar labor by private industry in the vicinity of the building projects under construction. Officials have endeavored to persuade contractors to pay local prevailing wage scales, but have been unable under existing law to make this mandatory; and so in many cases successful bidders have selfishly imported labor from distant localities and have exploited this labor at wages far below local wage rates.

Many of the local contractors of the District of Columbia have felt this unfair and unhealthy competition. Local artisans and mechanics, many of whom are family men owning their own homes and whose standards of living have long been adjusted to local wage scales, can not hope to compete with this migratory labor.

A number of contracts here in the District of Columbia have been awarded to a firm from Alabama who have imported labor and established a wage scale which the local laborers and mechanics can not meet. The very element of the community is affected and local contractors have been placed at a serious disadvantage, as they find it impossible to compete with these outside contractors who base their estimates for labor upon the low wages they can pay to unattached migratory workmen imported from a distance, and for whom the contractors have, in some cases, provided housing facilities in flimsy temporary quarters adjacent to the project under construction.

The question of having contractors pay existing local wage rates has been the subject of long consideration, and the departments have endeavored to correct the situation without seeking authority of law, but have been unable to do so. The legislation here proposed will provide a more equable distribution of employment, especially in the present time of depression, and will benefit the country at large by requiring that those who have been awarded public-building contracts pay their employees wages comparable to the prevailing wage scales where they are employed.

The importance of the provisions of this bill and the effect it will have if it becomes a law can not be underestimated. Its passage will meet with the approval of everyone, with the exception of the contractors who in the past have been using imported cheap labor, and it will remove from a contractor the incentive or motive to import cheap labor from one section of the country to another. It will in no way affect the use by a contractor of his regular and permanent supervising force.

This measure does not require the Government to establish any new wage scales but simply gives the departments power to insist that contractors—who are successful in obtaining contracts—pay their employees the prevailing wage scale existing in the locality where the contract applies.

This proposed legislation is a most necessary and desirable complement to the building program of the Government. Its purpose is to see to it that the benefits of the program are spread equitably throughout the country alike to labor and to the contracting industry.

The Secretary of Labor advises that he anticipates no difficulties of administration—that in 90 per cent of the cases there will be no dispute of any kind, and where there is a dispute which can not be ironed out on the spot by the contracting officer the matter can be taken up by his well-organized conciliation service, investigated and settled amicably and expeditiously to the satisfaction of all concerned.

The bill is indorsed by labor generally and by the American Federation of Labor and its affiliates, and I urge the passage of the measure that there may be no further delays

in making its provisions applicable to all contracts that may be awarded from now on.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California to suspend the rules and pass Senate bill 5904.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to proceed for half a minute.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to proceed for half a minute. Is there objection?

There was no objection.

Mr. GREEN. Mr. Speaker, there was not sufficient time for all Members to have an opportunity to speak on the bill just passed. As a member of the Committee on Labor I was glad to work for its report and passage. I was glad to support the bill, because I believe in the dignity of labor and in the majesty of toil. There is no aristocracy except that of honor and no rabble save that of crime. This bill will protect laborers and also inculcate a higher code of ethics among contractors. [Applause.]

The SPEAKER pro tempore. Without objection a similar House bill (H. R. 16619) will be laid on the table.

There was no objection.

### ST. LAWRENCE SHIP CANAL

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. SNELL. Mr. Speaker, I will not object to this request but I shall object to any further requests.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Speaker, my first formal address in this House was delivered December 5, 1921, upon the subject of improving the St. Lawrence River as a ship canal, opening up the ports of the Great Lakes to ocean traffic.

I am making my last talk before this body during this session of the Seventy-first Congress upon the same subject, the St. Lawrence waterway. I am pleased, my colleagues, to report substantial progress upon this world project between these two dates. My first bill introduced in January, 1922, has been used both in this country and in Canada as a foundation for the final construction of this seaway. The last bill I introduced on the subject on April 11, 1930, took care of the construction of the longest reach of this improvement, 67 miles from Tibbetts Point on Lake Ontario to the towns of Ogdensburg, N. Y., and Prescott, Ontario. This bill was included in the omnibus rivers and harbors bill of the Seventy-first Congress and was signed by the President and became a law on July 3, 1930.

I am taking your time to-day to make these statements so that the country may understand that a substantial beginning has been made looking toward the construction of this American seaway. The project from Lake Ontario to Montreal covers a distance of 182 miles. The International Board of Engineers, for construction purposes, have divided this section of the river into five divisions or reaches. The division already ordered improved is the longest one. The other four will be cared for later. As is quite generally known, the President and the Canadian Premier have recently been in conference upon the subject of this improvement. One of Washington's local papers recently carried an editorial which I am quoting to show the general sentiment of newspaper and magazine editors, who are posted upon this very important and desirable improvement.

The visit of Richard B. Bennett, Prime Minister of Canada, to Washington last week revived interest in the proposed St. Lawrence ship canal between the Great Lakes and the Atlantic. Mr. Bennett is known to have a deep interest in the subject and President Hoover has been one of the promoters of the project for years. Reports indicate that a joint Canadian-American commission will be appointed in the near future to complete negotiations between the two Governments.

Most of the opposition to the St. Lawrence seaway in this country has disappeared. No valid objection has been raised. New York has entertained some fears that part of the traffic from the Middle West would not pass through that city's bottle neck if the international ship canal were constructed. But the selfishness of New York's protest is everywhere recognized, and it can not be expected to halt this great project. On the Canadian side some objections have been interposed by Montreal and other shipping centers along the river, on the ground that when the canal is completed ships would pass them by without paying tribute in the form of transshipment charges. When the objections of New York and Montreal are removed from the respective city limits they become convincing arguments in favor of an international St. Lawrence seaway.

There is no more propitious time than the present to begin work on this gigantic project. Thousands of jobs would be created. And what is far more important from the standpoint of economic recovery, a new waterway into this heart of North America's chief agricultural region would be opened up. Farmers of both the United States and Canada would be able to send their produce to world markets by the shipload at reduced costs. Other nations would be able to send their products into the heart of America by water. All commerce which spans the Atlantic should be stimulated. It is too much to expect that work on the project could begin immediately. The mill of international negotiation grinds slowly. There are a number of difficult problems on both sides of the border that must be solved. But negotiations that have already been carried on suggest that none of those problems are insoluble. If both Governments are really anxious to proceed, it is conceivable that the project might be started in time to add another stimulus to business recovery.

Development of the St. Lawrence seaway may be regarded as inevitable. It is only a question of time until the demands of the vast interior States and provinces must be met. A project so obviously beneficial to both nations should not be longer delayed. If President Hoover and Prime Minister Bennett can arrive at a definite agreement, the St. Lawrence ship canal will become a moment to both of them.

Since New York has come to the support of the St. Lawrence improvement, it seems to me that that makes it unanimous. An official copy of a resolution passed by the Senate of the State of New York, in Albany, dated February 9, 1931, and concurred in by the assembly, came to my desk last week. This resolution was addressed to the President of the United States, asking him to proceed forward to a treaty with Canada for the development of the international rapid section of the St. Lawrence River at the earliest possible date and in accordance with the plans agreed upon by the joint board of engineers and submitted to President Coolidge, December 27, 1926. This, you will remember, is the report of the Hoover commission appointed by President Coolidge and contained in Senate Document No. 183, Sixty-ninth Congress, second session. Showing the change of attitude of New York for this great project, I desire to quote the following paragraph from this resolution formally adopted by the New York Legislature:

Whereas the landlocked interior of the United States is deeply concerned and in urgent need of the relief which would accrue to that area by the opening of a seaway via the St. Lawrence River from the Great Lakes to the Atlantic Ocean—also the citizens of New York are directly interested in the improvement and early utilization of the large reservoir of cheap power which would be made available—legislative expression being given to such improvement in section 6, chapter 207, Laws of New York, 1930, to wit, "In such manner and under such conditions as shall insure fair and partial treatment of consumers on a basis of charges, the lowest compatible with a fair and reasonable return on the cost thereof."

The construction of the St. Lawrence ship canal is a very easy engineering problem. There are only four more reaches to build, covering a distance of 115 miles. There are no such engineering difficulties as are found in the construction of the Panama or Nicaraguan Canals. I beseech you, my colleagues, to build this American seaway and, believe me, it will solve the difficulties of the mid-West farmers for years to come. In my judgment, when this waterway has been opened up, making the ports of the Great Lakes ocean ports, it will be the greatest blessing and benefit to humanity that will come during this century. It will bring the blessings of prosperity to all of our people, and will be heralded in the years to come as the greatest bit of constructive statesmanship of our time. [Applause.]

### NATIONAL ARBORETUM

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 4586, to authorize additional appropriations for the National Arboretum.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for the present consideration of Senate bill 4586, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object, Mr. Speaker.

Mr. HAUGEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4586) to authorize additional appropriations for the National Arboretum, as amended.

The SPEAKER pro tempore. The gentleman from Iowa moves to suspend the rules and pass the bill (S. 4586) to authorize additional appropriations for the National Arboretum, as amended, which the Clerk will report.

The Clerk read the bill as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated, in addition to the sum authorized by section 2 of the act entitled "An act authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes," approved March 4, 1927, the sum of $200,000, for the purposes and subject to the conditions specified in such act: *Provided*, That in the payment of awards under condemnation proceedings for the acquisition of lands under the act of March 4, 1927, limitations as to price based on assessed value shall not apply.

The SPEAKER pro tempore. Is a second demanded?

Mr. SABATH. Mr. Speaker, I demand a second.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 20 minutes and the gentleman from Illinois for 20 minutes.

Mr. HAUGEN. Mr. Speaker, the bill authorizes an appropriation of $200,000 for the acquisition of about 78 acres to complete the tract necessary for the arboretum.

Mr. MICHENER. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. MICHENER. Is this any part of our farm-relief program?

Mr. HAUGEN. This is for the arboretum and it fits in with farm relief and forestry.

Mr. MICHENER. Where is the arboretum?

Mr. HAUGEN. It is just outside of the city proper.

Mr. MICHENER. What is the purpose of it?

Mr. HAUGEN. The experimental planting of trees, shrubs, and other plants.

Mr. MICHENER. How much money does the bill carry?

Mr. HAUGEN. Two hundred thousand dollars. The original bill passed on March 4, 1927, and carried an appropriation of $300,000.

Mr. MICHENER. Is this a similar bill to the one that the gentleman had before the House a year or two ago providing that we purchase this property at a sum not to exceed $300,000?

Mr. HAUGEN. Yes.

Mr. MICHENER. And the gentleman at that time assured us he would not be back here for more money.

Mr. HAUGEN. No; the original estimated cost was $500,000.

Mr. MICHENER. I asked the gentleman at that time if this was a farm relief bill, and he said it was and that it would only take $300,000. Now, the gentleman is back here for $200,000 more.

Mr. HAUGEN. I will explain. The original estimated cost of the tract of land was $500,000; the committee authorized only $300,000. The $300,000 has been found to be insufficient and it is now found necessary to authorize about $200,000 more to purchase the additional 78 acres. About $71,000 is now in the Treasury, but under the ruling of the Comptroller General it is not available for the payment of awards under condemnation proceedings for the acquisition of land already condemned. Therefore, it is necessary that we should pass this bill so as to make the $70,000 available to pay the awards under the condemnation proceedings for part of the 190 acres condemned.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. STAFFORD. Will the gentleman explain how much additional money is required to meet the amount of the awards under the condemnation proceedings?

Mr. HAUGEN. The money is there in a sufficient sum, but not available because of a decision of the Comptroller General.

Mr. STAFFORD. As I understand the amendment proposed to the House by the gentleman, it lifts the limitation that the price of the land shall be not more than the assessed value of the property.

Mr. HAUGEN. Yes.

Mr. STAFFORD. As I understand further, from the exposition of the gentleman, there are ample funds to purchase this additional land for this arboretum but the limitation prevents the purchase of the land.

Mr. HAUGEN. No; there are ample funds to pay for what has been purchased—about 190 acres—but not to purchase the additional 78 or 79 acres and improvements, and $200,000 more will be required to acquire title to the 79 acres.

Mr. BOYLAN. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. BOYLAN. What is the proposed total area of the arboretum?

Mr. HAUGEN. One hundred and ninety acres has been purchased and 78 acres more is required to complete the tract.

Mr. BOYLAN. In the gentleman's opinion, as a skilled agriculturist, is this sufficient ground?

Mr. HAUGEN. In the opinion of the committee it is sufficient ground and is what is required. The committee has made a personal survey of the tract.

Mr. BOYLAN. Has the gentleman given any thought to the future expansion of the aboretum, and has the gentleman provided for that?

Mr. HAUGEN. I think this will be sufficient for all time to come, in the opinion of the department.

Mr. BOYLAN. For what period has the gentleman provided?

Mr. HAUGEN. We have no specific period in mind.

Mr. BOYLAN. Does the gentleman think we have enough ground for a period of 20 or 30 years?

Mr. HAUGEN. I could not answer that definitely. That, of course, depends on expansion.

Mr. CLARKE of New York. They think the ground will be plenty big enough to carry on for generations.

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, when I had the privilege of introducing this measure in behalf of all the large societies in the country concerned with the growing and sale of flowers, shrubs, and trees, it was expected that the land for this arboretum could be bought for $500,000. This was cut down to $300,000. At that time, gentlemen in Congress were of the belief that it might be possible to secure throughout the District of Columbia a fairer system of taxation if by the requirement that we should spend for such purchases as the Government wished to make not more than 25 per cent above the assessed value we could bring an influence to bear which would work upon the assessors and secure the desired result; and an amendment was put upon the bill limiting the Department of Agriculture in the acquisition of this land to a price 25 per cent above the assessed value.

There was then fair reason to expect that a large part of the land would be sold to the Government within this figure. It turned out that some of the owners from whom this had been expected were unwilling to meet the requirement, which brought the purchases into a difficult situation. The Department of Agriculture was at a loss to know what to do, hampered as it was with the 25 per cent proviso. As the sponsor of the measure I was consulted in the matter, and I will take the responsibility for having advised the Secretary of Agriculture to go ahead and get everything he could within the 25 per cent. With the knowledge, and, as I understand, the approval of the President, this procedure was followed.

The outcome is that the department now finds itself with an irregular-shaped tract of land, insufficient for the needs

contemplated; and right into this land, as if you put the fingers of one hand through the fingers of another, goes this privately owned land which can not be bought for less than 25 per cent above the assessed value.

We are assured that, in the case of condemnation, the value would be placed at more than 25 per cent above the assessed value. Under these circumstances the Committee on Agriculture has come before you, with the approval and support of the Department of Agriculture, asking that this tract be rounded out by paying the necessary price—and I think no more—for the land we wish to secure. In other words, it is a case where, having put our hands to the plow, we ought not to turn back. We should do now what otherwise is sure to be done later, in order to carry out the program as originally indorsed by Congress, desired by the Department of Agriculture, and earnestly approved by many thousand members of garden clubs of America, various horticultural societies, and other organizations desiring to establish here a standard body of trees, which may be to the benefit of not only the nurserymen but everybody else interested in arboreal work.

Mr. HASTINGS. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. HASTINGS. The total amount of acreage desired to be acquired is 260 acres?

Mr. LUCE. Yes.

Mr. HASTINGS. How many have you got now?

Mr. LUCE. 190 acres.

Mr. HASTINGS. And you desire 78 acres more?

Mr. LUCE. Yes.

Mr. HASTINGS. What has been the average cost of the 190 acres—the cost per acre?

Mr. LUCE. That would be found by dividing 300,000 by 190.

Mr. HASTINGS. So that $300,000 has already been expended for the 190 acres?

Mr. LUCE. I would not say that all of it has, but the greater part of it. Mr. Speaker, I yield back the remainder of my time.

Mr. SABATH. Mr. Speaker and gentlemen, additional proof has been furnished us to-day that it is not always wise to rely on promises that are made on the floor when a bill appropriating thousands of dollars is before this body.

If my recollection is correct, at the time this bill was originally considered in the House, we were assured that the amount of money asked for would be sufficient, because some of the property owners were ready and willing to give to the Government some of these parcels of valueless land at a nominal price.

The House believing that that assurance would be carried out appropriated $300,000. No sooner was the $300,000 appropriated than every property owner who had assured us that they were desirous of aiding the Government immediately started to raise the price of the land. So that to-day not only that additional amount is required, but we here have a request that the House place in the bill a proviso which reads as follows:

*Provided*, That in the payment of awards under condemnation proceedings for the acquisition of lands under the act of March 4, 1927, limitations as to price based on assessed value shall not apply.

I would now like to know why that limitation is placed in the bill for the purchase of this property.

Mr. LUCE. Will the gentleman yield?

Mr. SABATH. Yes. I want information and that is why I demanded a second.

Mr. LUCE. The law now says that you must not pay more than 25 per cent above the assessed value. If the condemnation proceedings is 40 or 50 per cent above the assessed value, you can not get the land unless you change the law; so we are up against that condition, which we can not get around. That expectation has been proved by the purchase of land all around the Capitol—that the court will give more, and often very much more, than the 25 per cent increase.

Mr. SABATH. May I ask whether this was taken out by the Congress or by the jury in the condemnation proceedings which allowed this additional 25 per cent above the original authorized valuation, but to my mind the 100 per cent above its actual value?

Mr. LUCE. That is a situation I would join the gentleman in attempting to remedy. It was thought this 25 per cent proviso would help, but it has not accomplished the result. If the gentleman can suggest any way to get the assessed value of this district up to anywhere near where it ought to be, I should be very glad to help him; but nobody has been able to present a remedy for the situation which Congress itself by judicial processes has created. When the condemning authorities say the land is worth more than 25 per cent above the assessed valuation and the restriction applies, you must either take off the restriction or go without the land.

Mr. SABATH. I think it is deplorable that such a situation should exist, because this is not the first time and I presume it will not be the last time whereby the Government will be obliged to pay 100 to 200 per cent more than it is worth for the property that it desires to acquire by condemnation.

Mr. KETCHAM. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. KETCHAM. The gentleman should be advised that since the passage of the original bill real estate values in that particular section either within or without have been naturally increased and I do not think that you can say that the real estate men are unusually high in their prices; but of course they are naturally trying to share in the general increase in property values.

Mr. SABATH. Yes; they desire to share in the general prosperity which prevails throughout the country. Please understand, I am not objecting to people receiving a fair compensation for their property at any time, but the gentleman knows and I know that the value of property in every section of not only the district, but also of the country, has been lowered, and you can now buy property under present prevailing conditions, at 50 cents on the dollar; but here we are met with a situation where we are asked to increase the appropriation and provide more money because the award is far above the original assessed valuation and price placed upon it by experts at that time.

Mr. KETCHAM. The gentleman might be interested to know that in the purchases that have already been made it was the testimony of those that came before our committee that that land already possessed by the Government has likewise increased in value, and that if we were to sell it now we could realize a substantial profit upon it, which indicates that these men who own this land have been trying to share in the profit.

Mr. SABATH. Yes; under the great prosperity that prevails at this time.

Mr. NELSON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. NELSON of Missouri. If it is true, as has been suggested, that we can sell the land out there that we now own at a profit, does the gentleman not think that we had better do so?

Mr. SABATH. If we do not need it and could sell it at a profit, let us do so; but if we do need and have use for it, then we should not; but I doubt very much, if the Government were to offer this property for sale to-day, that it would receive anywhere near the amount of the award.

Mr. PARSONS. It has been mentioned that land values increased since the original appropriation was made. Is it because of the fact the appropriation was made for that particular place that the land values have increased?

Mr. SABATH. There may be some reason that the property in that locality increased because of these improvements that have been made and the money expended.

Mr. PARSONS. If that is the case, then the appropriation has made the land values increase in that particular locality, and without it the land would not be of that value.

Mr. SABATH. But these owners desire to obtain the benefit, and they feel that they are entitled to it. I would not object, were it not for the fact that these very men

assured this House that if the original appropriation were made, they would donate to the Government some of these parcels of land that are now in question.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. HASTINGS. Since my inquiry of the gentleman from Massachusetts [Mr. LUCE] I have made a little calculation. They have expended $300,000 on 190 acres of land which is an average of $1,578.99 per acre.

Mr. SABATH. And what is the gentleman's opinion as to the valuation, whether it is fair or excessive?

Mr. HASTINGS. I am not familiar with this particular tract of land and I am not competent to pass on its value.

Mr. ADKINS. Mr. Speaker, will the gentleman yield?

Mr. SABATH. Yes.

Mr. ADKINS. I think the gentleman has the same idea that I have.

Mr. SABATH. I am very glad that we agree on some things.

Mr. ADKINS. Let me explain a little to the gentleman, which I think will clear this matter up. Five hundred thousand dollars was asked. A large number of us made objection to that. We thought that they could go further out and buy land much more cheaply. Then it was represented to us that $300,000 would do the business, and the thing occurred that the gentleman has outlined. The land would be purchased at a reasonable sum. Then it developed after they had purchased a lot of land that this man changed his mind or something happened that the land got higher in value, as it always does when you want it for a public purpose. The gentleman from Massachusetts [Mr. LUCE] has admitted that that is the situation, and with the situation as it was, after going out and looking at it, as far as I was concerned, we reluctantly submitted to buying the rest of it at the price indicated. That is the whole story.

Mr. SABATH. In other words, we were first inveigled into this and are now obliged to pay for it.

Mr. BOYLAN. Will the gentleman yield?

Mr. SABATH. I yield.

Mr. BOYLAN. I know the distinguished gentleman from Illinois is an attorney of very high standing at the Chicago bar. I know he has had many condemnation cases in his practice.

Mr. SABATH. To whom does the gentleman refer?

Mr. BOYLAN. I refer to the gentleman who now has the floor [Mr. SABATH]. Now, I know the gentleman does not agree that the price can be fixed by legislation. The gentleman knows that the price of land, like the price of anything else, is regulated by the demands for it. The gentleman also knows that assessors, not only in the city of Washington, but all over the United States, are not at all times conversant with the true value of the land, and do not assess it properly. I know the gentleman, in his wisdom and great experience, would not want to mulct the owner on account of legislation, endeavoring to fix a price which is in violation of all laws of political economy, as the gentleman knows, and compel an owner to sell at a price far below either its intrinsic or its potential value.

Mr. SABATH. I wish to assure the gentleman that I do not wish to cause a loss to the unfortunate owners, who from time to time are deprived of their property against their will by our Government. I do not think my colleague from New York [Mr. BOYLAN] need be alarmed that I am one of those who would be desirous of taking advantage of any of them. I know, however, that many of those owners, in fact, nearly all of them, at almost every opportunity, try to mulct the Government of every dollar they can so obtain, after they have succeeded in interesting the Government in any particular project.

Mr. Speaker, I yield to the gentleman from Florida [Mr. GREEN] five minutes.

Mr. GREEN. Mr. Speaker and my colleagues, I am more concerned about other bills recently before the Committee on Agriculture than I am concerned about this bill, but it does seem rather strange to me that a clear track can be prepared for a bill like this one and it can be taken up and considered and the time of the House used when there are so many important bills before that committee.

There is one important bill that has been reported by the Agricultural Committee that provides for a survey of the losses sustained through the eradication of the Mediterranean fruit fly in my State. My people have been damaged millions of dollars and the responsibility for a great portion of it is upon the Government. But we can not even get a board appointed to receive these claims and to survey the losses. A bill for this purpose has passed the Senate. It is the companion bill to one introduced by me in the House. A bill not far from the same language of that one has been reported by the House Committee on Agriculture. This damage was sustained a year and a half ago, some of it nearly two years ago, when the pink boll worm was eradicated and the foot-and-mouth disease was eradicated; the Government paid reimbursement damages as and when occurred. It is customary for the Government to pay from 33⅓ to 50 per cent, or even greater amount, of losses sustained in such cases. Now, in the case of the eradication of the fruit fly in my State, by Federal forces, Federal orders, Federal money, and Federal men, we can not even get a resolution to survey the loss.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. GREEN. I yield.

Mr. CLARKE of New York. Is it not true that in carrying out the extermination of the Mediterranean fruit fly even members of the State militia or the National Guard of Florida were enlisted under Federal service and paid under the Federal pay roll, but they were under the domination of the State of Florida?

Mr. GREEN. Indeed it was not. The guardsmen and other employees were under the domination, control, pay, and direction of the Federal Department of Agriculture and its Secretary. The Florida Plant Board carried out the orders of the Federal Government the same as does a sheriff as the officer of the court.

My friends, I hope the chairman of this committee will cooperate with us and bring about the passage by the House of the Senate bill. We would much prefer to have you pass the Senate bill. It is more complete and definite in purpose and effect. If that is impossible, we hope you will strike out all from the enacting clause of the Senate bill and substitute the House bill, and let it go back to the Senate for its approval or refusal. Then the conferees of the two Houses can and will agree upon its substance satisfactorily.

My friends, it is an emergency case. Our people are having the same financial reverses that people are having in other parts of the country and there is a recognized responsibility on the part of the Government for reimbursement for at least a portion of the damage. Now what are you going to do about it? If we are to receive reimbursement, and we should, surely now is the time to set the machinery in motion to receive and make finding on these claims. Growers are already sending their claims to Washington. There is no designated agency to receive and consider them. We should pass this legislation now. I earnestly urge my Republican colleagues to permit action now.

Mr. SNELL. Mr. Speaker, I make the point of order that debate must be on the bill before the House. I do not want to interfere with the gentleman, but there are many important measures to be considered this afternoon, and I make the point of order unless the debate is confined to the matter before the House.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I think the point of order should be overruled. The gentleman is laying a foundation for an argument which he intends to make on the bill.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GREEN] will proceed in order.

Mr. McSWAIN. Will the gentleman yield?

Mr. GREEN. I yield.

Mr. McSWAIN. The gentleman said something about 50. Fifty what? Fifty fruit flies, or what?

Mr. GREEN. Fifty per cent reimbursement for damages sustained by Florida growers as a result of the Mediterranean fruit fly eradication campaign.

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

Mr. HAUGEN. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. CLARKE].

Mr. CLARKE of New York. Mr. Speaker, I do not know whether the Members are familiar with the location of this arboretum. If you drive out to the northeast and enter the Bladensburg turnpike you will see a beautiful hill, covered with lovely trees at the present time. That is Mount Hamilton, and it is a part of the proposed arboretum. Then there is another ridge on beyond called Hickey Hill. It is an ideal location. The Committee on Agriculture visited this place with the experts on this proposition and the committee came to the conclusion that having gone so far we should complete the program.

There is an approach from along the river and this will prove an ideal location for the establishment of a national arboretum.

In connection with this matter I want to read the following poem.

Mr. TREADWAY. Before the gentleman begins to read his poem will he yield to me?

Mr. CLARKE of New York. Yes.

Mr. TREADWAY. Will not the gentleman be good enough to more definitely designate this location? The gentleman has been pointing here and there, but that does not mean much to Members.

Mr. CLARKE of New York. Does the gentleman know where you turn into the Bladensburg Turnpike to go to Baltimore?

Mr. TREADWAY. Yes.

Mr. CLARKE of New York. Does the gentleman remember the high hill to the east?

Mr. TREADWAY. Yes.

Mr. CLARKE of New York. That is a part of the project. Then there is another high hill which is called Hickey Hill.

Mr. TREADWAY. I thank the gentleman very much.

Mr. CLARKE of New York (reading):

There'd be some money in that elm—so he
Sold it; the sawyer came; and presently
He'd money in his pocket, but no tree—

No living tree before his threshold stone;
And, well, he missed it, living there alone,
The bonnie tree that he had always known.

'Twas queer to think the living tree was dead,
Just dry white planks now in the sawyer's shed,
While he still lived; and yet, when all was said

He'd got the money; brass was always brass,
And never came amiss. That flesh is grass
He'd overlooked, until it came to pass

He slept too long one morning—didn't wake;
And he was missed; and they were forced to break
His bolted cottage door in with a stake.

The brass was spent upon his funeral; he
Between the coffin boards lay presently
And close in touch again with his old tree.

—Percy Hutchison.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter which Senator HAWES and myself have sent to the president of the American Federation of Labor, Mr. William Green, with reference to the provisions of the Hawes-Cooper prison goods bill.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD and to include the letter referred to. Is there objection?

There was no objection.

The letter is as follows:

CONVICT LABOR—A PROBLEM FOR EACH STATE IN THE OPINION OF AUTHORS OF THE HAWES-COOPER BILL, PASSED BY CONGRESS—FEDERAL LEGILATION ENABLES STATES TO ACT BUT IS OF ITSELF NO BAR TO SALE OF PRISON PRODUCTS

Mr. WILLIAM GREEN,
*President American Federation of Labor,*
*A. F. of L. Building, Washington, D. C.*

MY DEAR MR. GREEN: As coauthors of the Hawes-Cooper bill, approved by President Coolidge on January 19, 1929, and designated as Public No. 669, Seventieth Congress, we submit at your request our views as to the extent and purposes of this bill, the intent of Congress in passing it, and the scope of authority of the States in the enactment of legislation under it.

There are more than 120,000 prisoners in State institutions, this number growing at a rapid rate, the products of whose labor present a problem increasingly important in the conduct of penal institutions throughout the country.

We have received numerous inquiries concerning the Hawes-Cooper bill and the power of the States under that bill. It is manifest that some confusion exists as to the meaning of the law, and such confusion tends naturally to increase the perplexities of the problem presented to each State in legislating for the future.

With 48 State legislatures considering the prison problem during the current year and the two subsequent years prior to the taking effect of the Hawes-Cooper Act, it may be well to clear up some of the misapprehensions.

The Hawes-Cooper bill does not go into effect until January 19, 1934. The 5-year period between the date of its approval and the date of its effect was written into the bill by Congress to give to each State ample time in which to adjust prison affairs.

HISTORY OF LEGISLATION

Something should be said of the history of this legislation.

More than 20 years ago the American Federation of Labor, anticipating future trouble over the growing problem of prison products entering into competition with the labor of free men and the investment of free capital, petitioned Congress for legislation tending to stop the traffic in convict-made goods.

The problem presented to Congress in the early consideration of the question was what form this legislation should take. It was agreed that the authority of Congress extended to the regulation of interstate commerce, but it was likewise manifest that there were grave constitutional questions involved in the attempt of Congress to interfere with this interstate commerce to the extent of a prohibition.

Meanwhile several of the States, including New York and Massachusetts, had endeavored to enact State laws subjecting convict-made goods, regardless of their origin, to certain State regulations or prohibitions.

All such attempts were declared by the courts to be beyond the power of an individual State, as the goods arriving from a prison in another State were, in fact, in interstate commerce, and, therefore, beyond the regulatory powers of the individual States.

Each State had a right to enact its own laws in respect to its own prison products. The enactment of such laws, however, removed the products of a State's prisons from the markets of that State, but could not interfere with the entrance of prison products from other States into its own open markets.

FACTORS UNITE ON BILL

Congress at various times considered the legislative proposals tending to cure this situation, but for many years such proposals failed in one branch or another or were prevented from passing by circumstances entirely foreign to the consideration of the bill itself, such as legislative confusion and congestion.

In 1928, however, the American Federation of Labor had introduced what has become known as the Hawes-Cooper bill, which the signers of this letter sponsored respectively in the House and Senate.

During the Seventieth Congress other influential elements in our American life joined in support of this measure.

The General Federation of Women's Clubs, acting in the interest of the prisoner himself and to protect women wage earners from the competition of prison products, actively joined in the support of national legislation.

Certain manufacturing interests throughout the country likewise enlisted their efforts on behalf of the measure to protect private capital from the increasing inroads being made by convict labor concentrated in a few fields of activity.

A number of organizations interested solely in scientific, modern penal management, and the rehabilitation of the prisoner also assisted.

Exhaustive hearings were held by both the House and Senate committees, on which sat the representatives of more than 22 States.

Labor officials, manufacturers, representatives of the General Federation of Women's Clubs and prison organizations were heard at length. Prison officials, opposing the Federal enactment on the theory that it would tend to destroy prison industries, were heard also. Prison contractors were likewise given consideration.

As a result of these hearings the bill was reported favorably in both the House and Senate and subsequently passed both bodies by an overwhelming majority. The measure was then sent to the President, who requested a review of the proposal by the Attorney General and, having received a favorable reply, President Coolidge signed the measure on January 19, 1929.

FEDERAL ATTITUDE SUSTAINED

But the enactment of this bill by the representatives of 48 States in Congress was not the first indication of the Federal attitude toward competition between convict labor and free labor and capital.

There has long been on the Federal statutes a prohibition against the importation of convict-made goods into the United States to compete with the products of free labor and private capital.

In the tariff bill in 1930 Congress threw additional safeguards around that provision of the law relating to the importation of convict-made goods and extended this law to products made by indentured or forced labor.

The executive branch of the Government, through the Treasury Department, has very recently evidenced its intention of strictly enforcing this national ban on imported convict-made goods.

Likewise Congress many years ago, legislating as to the conduct of Federal penitentiaries, provided that no goods, wares, or merchandise manufactured in the Federal penitentiaries could be sold upon the open markets. The products of more than 8,000 Federal prisoners are to-day limited as to sale by the Government itself, such products being manufactured only for Government use.

THE HAWES-COOPER BILL

The language of the Hawes-Cooper bill is definite. It reads as follows:

"*Be it enacted, etc.*, That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal and/or reformatory institutions, except commodities manufactured in Federal penal and correctional institutions for use by the Federal Government, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

"SEC. 2. This act shall take effect five years after the date of its approval."

This act in itself does not stop the sale of convict-made goods.

It does not provide that convict-made goods may not be shipped from one State to another, or from the prison of one State to a resident of another State.

It simply provides that when convict-made products are shipped from one State into another State such products, upon arrival and delivery in the second State, shall be subject to the laws of the second State.

If the second State has no law regulating the sale or distribution of convict-made goods then the convict-made goods of the first State may be sold or distributed in the second State without interference.

The real difference between the situation as it exists and the situation as it will exist after the Hawes-Cooper bill goes into effect on January 19, 1934, may be more pointedly illustrated as follows:

At the present time New York State does not permit the products of its prisoners to be sold on the markets of New York or shipped out of the State of New York for sale or delivery. The products of New York prisons may be sold only to State institutions in New York State and may not be sold upon the open market.

But at the present time products made in the penitentiaries of Indiana and Missouri may be shipped into the State of New York and may be sold and distributed in New York. In fact, they are so sold and distributed in New York.

But the Legislature of New York enacted under the authority of the Hawes-Cooper bill, a new statute which will, in effect, after January 19, 1934, subject all prison products entering New York from Missouri or Indiana prisons to the same laws which regulate prison products manufactured in New York.

Therefore, after January 19, 1934, under provision of a New York law enacted under the authority of the Hawes-Cooper bill, Indiana and Missouri prison products will not be sold in New York State, except in violation of the law of New York State, and anyone may be prosecuted under the New York State law for selling prison products.

From the above it will be manifest that the Hawes-Cooper bill itself neither bars convict-made goods from transportation, nor does it, of itself, operate on convict-made goods in the absence of a State enactment made under it.

Should any State desire to avail itself of the benefits permitted under the Hawes-Cooper bill it will be necessary for that State to enact its own convict-labor laws.

Furthermore, if any State desires to protect itself from becoming the dumping ground for prison products of other States, it must enact its own regulations through its own legislatures.

STATE ACTION FORMERLY FORBIDDEN

Under section 8 of the Constitution of the United States Congress is given authority "to regulate commerce with foreign nations and among the several States and with the Indian tribes." This power was granted to the Federal Government by the States, and the courts have held that no State legislation may interfere with the exercise of this authority which the States have given to the Federal Government.

In 1890, however, Congress passed what was known as the Wilson Act, which provided that intoxicating liquors transported into any State and remaining in that State for use, consumption, sale, or storage upon arrival in that State would be subject to the operation and effect of the laws of that State enacted in the exercise of its police powers.

By that act Congress removed from intoxicating liquors the character of interstate commerce when the particular goods upon which Congress legislated arrived in a given State for sale or distribution.

The constitutionality of that act was tested in the case of Wilkerson *v.* Rahrer (140 U. S. 545).

The Supreme Court held that this act on the part of Congress was not an attempt to delegate the power to regulate commerce. It held that this was not a grant of power not already possessed by the States. It held that this was not an attempt on the part of Congress to adopt State laws.

The court said:

"Congress has taken its own course and made its own regulation, applying to these subjects of interstate commerce one common rule whose uniformity is not affected by variation in State laws in dealing with such property."

The court held that in removing the interstate commerce character from the particular commodities legislated upon Congress was exercising its authority to regulate commerce. The court held that if Congress chooses to remove the interstate commerce character from designated subjects of interstate commerce before that character would ordinarily terminate, such act is within the competency of Congress.

A most significant statement was made in the decision of the court in that case when it said:

"The framers of the Constitution never intended that the legislative power of a nation should find itself incapable of disposing of a subject matter specifically committed to its charge."

The court further said that Congress had, in exercising its authority to regulate commerce, simply removed an impediment to the enforcement of State laws in respect to imported packages in their original condition.

This letter is not a brief upon the constitutionality of the Hawes-Cooper Act, but so much of the Rahrer opinion has been cited as may tend to indicate the character of the Hawes-Cooper bill in its relation to the State.

The States, without a specific utterance on the part of Congress, would have no power to interfere with interstate commerce in convict-made goods; but under a specific utterance by Congress removing the interstate commerce character of prison products upon their arrival in a State, which the Supreme Court has held is within the competency of Congress to do, each State under the Hawes-Cooper bill has the authority to regulate such products within its State borders.

It may be well to indicate here that the action of Congress in passing the enabling act, known as the Hawes-Cooper bill, was based upon the opinion of the court as to the authority of Congress in this regard.

PRISON PROBLEM IS A STATE PROBLEM

Congress was not unmindful when passing the Hawes-Cooper Act of the problems which might arise in the respective States as the result of subsequent State legislation enacted under authority of the Federal act. In fact, the 5-year-extension period granted in the act is an indication that Congress realized it would take some time for States to readjust their prison affairs to meet possible State enactments.

But, in the opinion of Congress, the menace of competition from convict-made goods was paramount, and Congress refused to permit the Federal Government, by its silence as to convict-made goods, to stand as an impediment to the enforcement of State laws.

Under the old system one State could ship its products into another State in defiance of the latter's State laws, and it could do so simply because Congress had failed to act and, therefore, permitted interstate commerce regulations to become an impediment.

One State was in a position to enforce its views on the balance of the States. It could force its convict-made products into the markets of a sister State and thumb its nose at the laws of that State.

The evident absurdity of such a condition is brought out by the fact that one State by its own legislative body attempted to regulate the sale of its own prison products within its borders, but permitted those same prison products to enter an adjoining State in defiance of the laws of the adjoining State.

Congress had the assurance of those who indorsed the Hawes-Cooper bill, while it was pending in Congress, that continued efforts would be made by them to assist the States in the working out of prison problems, and it may be said that the authors of this bill at the present time are aware of the continued activity of the American Federation of Labor, the General Federation of Women's Clubs, manufacturers, and prison organizations in assisting in the working out of the State legislation.

What particular form that State legislation shall take is not within the dictate of Congress. There have been many and varied proposals. Indeed, a variety of solutions is almost inevitable in view of the fact that each State has its own particular prison problem, and no plan can be suggested that will operate alike on all States.

Congress issued no mandate to the States. It has not ordered any State to enact any new legislation, nor does the Hawes-Cooper bill repeal any State legislation. The State itself must determine on the basis of its own problem what it may do to prevent its markets from becoming the dumping ground for prison products of other States.

MANY PLANS DISCUSSED

Some States have already enacted legislation looking to the diversification of prison products so as not to concentrate prison labor in the manufacture of a few products, the sale of which would be harmful to private industries. Some of the States limit their own prison products to their own State institutions and are now enacting legislation prohibiting both their own and other prison products from sale on the open market.

The "States-use" system is the term most generally applied to the system by which prison products are consumed by State institutions. Where the consumption of prison products in a

given State is confined to State institutions, however, such a law will not prevent convict-made goods being dumped into that State, unless there is a specific regulation as to sale and distribution applying equally to all such products, regardless of their origin.

Able authorities have pointed out the value of diversifying prison industries, so that no one product of prison manufacture will be turned out in sufficient quantity to interfere with private labor or private capital. Scientific systems of standardization have been studied and proposed for the purpose of facilitating the exchange of prison products with the institutions of the State. The parole system and other remedial suggestions for cutting prison population are being studied. Employment of prisoners in certain fields where their labor will not seriously compete with free labor or private capital has also been widely studied and discussed.

All of these records are available to legislators and State executives who desire to readjust their prison industries on the basis of the new theory. This is a State problem with which each State is confronted and the seriousness of which grows with the prison population.

The Hawes-Cooper bill has laid the foundation by which the prison contractors may be permanently put out of business. How quickly this new situation will be brought about rests entirely with the States and in the enlightened manner in which they handle their own particular State problems. The Hawes-Cooper bill enforces nothing upon the States. It enables them to act if they so desire. It does not of itself solve the prison-labor problem. The intention of Congress was to permit the States to solve this problem and to remove the Federal impediment to the enforcement of State laws. The enactment of constructive legislation looking to the removal of convict-made goods from competition with free men and free capital rests with the legislatures.

Whether any State is to become the dumping ground for prison products and the enrichment of a prison contractor or agency now rests solely with the State legislatures.

Very sincerely yours, JOHN G. COOPER,
*Representative from Ohio.*
HARRY B. HAWES,
*Senator from Missouri.*

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. GARBER].

Mr. GARBER of Virginia. Mr. Speaker and Members of the House, I think we must conclude that this is a very important measure, the opinion of the gentleman from Florida notwithstanding.

I want to call attention to two things. First of all, due to the rapid depletion of our forest wealth in this country through past years it is exceedingly important that the Federal Government prosecute a program along the line of reforestation and experimentations in the production of trees, as is contemplated in the arboretum bill. In 1926, when the first arboretum measure came up, as has been pointed out, it was contemplated that $500,000 would be necessary to purchase adequate acreage for the purposes of an arboretum. This amount, as has been stated, was cut to $300,000, and with that $300,000 more or less separated tracts of land were acquired off of M Street, the purchase covering 190 acres. It is cut up into two or three distinct tracts, not entirely separated but, as the gentleman from Massachusetts pointed out, with other tracts coming in between. The purpose of this bill is to consolidate the various parcels into one continuous tract by purchasing these interposing tracts aggregating 78 acres. That will give a consolidated tract of 286 acres.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. GARBER of Virginia. Yes.

Mr. SCHAFER of Wisconsin. Seventy-eight acres are going to cost $200,000.

Mr. GARBER of Virginia. Yes.

Mr. SCHAFER of Wisconsin. Then this is a real estate speculators' bill?

Mr. GARBER of Virginia. Not at all. Only so much of the $200,000 will be expended as is necessary to acquire the additional 78 acres, at a price that will be determined by orderly condemnation proceedings.

Mr. SABATH. Does it take in both sides of the creek?

Mr. GARBER of Virginia. The 78 acres will do this——

Mr. SABATH. I mean is this property on the other side of the creek or on each side of it?

Mr. GARBER of Virginia. It is on this side of the creek. I want to point out that these additional 78 acres will add a variety of soils that will be especially valuable in experimenting with the different species of trees and will make an enlarged consolidated tract that will be much more valuable from the standpoint of an arboretum than if you restrict it to the 190 acres of separated tracts. It does seem to me that this is a very important bill and that it should be passed at this time.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. HAUGEN. Mr. Speaker, I yield one minute to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Speaker, I only want to take this one minute in order to correct the impression that seems to have been running throughout the debate as to the cost of the land that has already been purchased. In response to the direct inquiry of the gentleman from Oklahoma [Mr. HASTINGS] I have the exact figures from the Department of Agriculture. I find that for the 190 acres already purchased they have paid $226,437, and not $300,000 as stated a number of times. There remains, therefore, 78 acres of the original tract to purchase and $73,563 in the original appropriation of $300,000. The bill is here because the Department of Agriculture has not been able to purchase the remaining acreage within the 125 per cent assessed value limit required by the law, and 48 acres additional needed to make the original tracts more symmetrical. The department has not been able to secure the additional lands within the prescribed price limits, and when condemnation proceedings were instituted the court awarded $73,945 above the 125 per cent limit. It is believed that the $200,000 provided will be necessary to complete the purchase of the required acreage.

Mr. HASTINGS. How much is that per acre?

Mr. KETCHAM. I have not calculated it, but it runs something under $1,200 an acre.

Mr. SABATH. And it is not worth $25 an acre.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired. The question is on the motion of the gentleman from Iowa to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 78, noes 33.

Mr. SABATH. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and forty-three Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 199, nays 154, not voting 78, as follows:

[Roll No. 46]

YEAS—199

| | | | |
|---|---|---|---|
| Ackerman | Cochran, Pa. | Garner | Korell |
| Adkins | Cole | Gasque | LaGuardia |
| Aldrich | Colton | Gibson | Lambertson |
| Allen | Connolly | Goodwin | Langley |
| Andresen | Cooke | Goss | Lankford, Va. |
| Andrew | Cooper, Wis. | Guyer | Leavitt |
| Arentz | Cramton | Hadley | Leech |
| Bacharach | Crisp | Hale | Lehlbach |
| Bachmann | Crowther | Hall, Ind. | Letts |
| Bacon | Culkin | Hall, N. Dak. | Luce |
| Barbour | Dallinger | Hancock, N. Y. | McFadden |
| Beck | Darrow | Haugen | McLaughlin |
| Beedy | Davenport | Hawley | McLeod |
| Beers | De Priest | Hess | Maas |
| Blackburn | DeRouen | Hickey | Magrady |
| Bloom | Dickinson | Hoch | Mapes |
| Bolton | Douglass, Mass. | Hogg, Ind. | Martin |
| Brand, Ga. | Dowell | Hooper | Merritt |
| Brigham | Drewey | Hope | Montet |
| Britten | Dunbar | Hopkins | Moore, Ohio |
| Browne | Eaton, Colo. | Houston, Del. | Moore, Va. |
| Brumm | Eaton, N. J. | Hull, Morton D. | Murphy |
| Buckbee | Elliott | Hull, William E. | Nelson, Me. |
| Burdick | Ellis | James, Mich. | Nelson, Wis. |
| Burtness | Englebright | Jenkins | Palmisano |
| Butler | Erk | Johnson, Ind. | Parker |
| Campbell, Iowa | Estep | Johnson, S. Dak. | Perkins |
| Carter, Wyo. | Esterly | Johnston, Mo. | Pittenger |
| Chalmers | Evans, Calif. | Jonas, N. C. | Pou |
| Chase | Fish | Kahn | Pratt, Harcourt J. |
| Chindblom | Fisher | Kearns | Pratt, Ruth |
| Chiperfield | Fitzgerald | Kelly | Purnell |
| Christopherson | Foss | Kendall, Ky. | Rainey, Henry T. |
| Clague | Free | Kendall, Pa. | Ramey, Frank M. |
| Clancy | Freeman | Ketcham | Ramseyer |
| Clark, Md. | Gambrill | Kinzer | Rayburn |
| Clarke, N. Y. | Garber, Va. | Kopp | Reece |

| | | | |
|---|---|---|---|
| Reed, N. Y. | Sirovich | Taylor, Tenn. | Watson |
| Reid, Ill. | Sloan | Temple | Welch, Calif. |
| Rogers | Smith, Idaho | Thatcher | Welsh, Pa. |
| Rutherford | Snow | Timberlake | White |
| Sanders, N. Y. | Speaks | Tinkham | Whitley |
| Seger | Stafford | Treadway | Wigglesworth |
| Seiberling | Stalker | Turpin | Wilson |
| Selvig | Stobbs | Underhill | Wolverton, N. J. |
| Shaffer, Va. | Strong, Pa. | Vincent, Mich. | Woodruff |
| Short, Mo. | Swanson | Wainwright | Wright |
| Shreve | Swick | Walker | Wyant |
| Simms | Swing | Warren | Zihlman |
| Sinclair | Taber | Watres | |

NAYS—154

| | | | |
|---|---|---|---|
| Abernethy | Doughton | Johnson, Tex. | Patterson |
| Allgood | Doxey | Johnson, Wash. | Peavey |
| Almon | Drane | Jones, Tex. | Prall |
| Arnold | Driver | Kading | Quin |
| Aswell | Dyer | Kennedy | Ragon |
| Auf der Heide | Edwards | Kerr | Ramspeck |
| Baird | Eslick | Kvale | Rankin |
| Black | Evans, Mont. | Lankford, Ga. | Reilly |
| Bland | Finley | Lindsay | Robinson |
| Blanton | Fitzpatrick | Ludlow | Romjue |
| Bohn | Fuller | McClintic, Okla. | Sabath |
| Bowman | Garber, Okla. | McClintock, Ohio | Sanders, Tex. |
| Box | Gavagan | McCormack, Mass. | Sandlin |
| Boylan | Glover | McKeown | Schafer, Wis. |
| Briggs | Goldsborough | McMillan | Shott, W. Va. |
| Browning | Granfield | McReynolds | Simmons |
| Busby | Green | McSwain | Smith, W. Va. |
| Cable | Greenwood | Manlove | Somers, N. Y. |
| Canfield | Gregory | Mead | Sparks |
| Cannon | Hall, Ill. | Michener | Sproul, Ill. |
| Carley | Hall, Miss. | Miller | Steagall |
| Cartwright | Hancock, N. C. | Milligan | Stone |
| Celler | Hardy | Montague | Strong, Kans. |
| Clark, N. C. | Hare | Mooney | Summers, Wash. |
| Cochran, Mo. | Hastings | Moore, Ky. | Sumners, Tex. |
| Collier | Hill, Ala. | Morehead | Tarver |
| Collins | Hill, Wash. | Morgan | Taylor, Colo. |
| Condon | Hogg, W. Va. | Nelson, Mo. | Tucker |
| Cooper, Tenn. | Holaday | Newhall | Underwood |
| Cox | Howard | Niedringhaus | Vestal |
| Craddock | Huddleston | Norton | Vinson, Ga. |
| Crail | Hudson | O'Connor, N. Y. | Whittington |
| Cross | Hull, Wis. | O'Connor, Okla. | Williamson |
| Crosser | Igoe | Oldfield | Wingo |
| Cullen | Irwin | Oliver, Ala. | Wolverton, W. Va. |
| Davis | James, N. C. | Palmer | Woodrum |
| Dickstein | Jeffers | Parks | Yon |
| Dominick | Johnson, Nebr. | Parsons | |
| Dorsey | Johnson, Okla. | Patman | |

NOT VOTING—78

| | | | |
|---|---|---|---|
| Ayres | Fort | Lanham | Schneider |
| Bankhead | Frear | Larsen | Sears |
| Bell | French | Lea | Snell |
| Brand, Ohio | Fulmer | Linthicum | Spearing |
| Brunner | Garrett | Loofbourow | Sproul, Kans. |
| Buchanan | Gifford | Lozier | Stevenson |
| Byrns | Golder | McCormick, Ill. | Sullivan, N. Y. |
| Campbell, Pa. | Graham | McDuffie | Sullivan, Pa. |
| Carter, Calif. | Griffin | Mansfield | Thompson |
| Christgau | Halsey | Menges | Thurston |
| Connery | Hartley | Michaelson | Tilson |
| Cooper, Ohio | Hoffman | Mouser | Wason |
| Corning | Hudspeth | Nolan | Whitehead |
| Coyle | Hull, Tenn. | O'Connor, La. | Williams |
| Dempsey | Johnson, Ill. | Oliver, N. Y. | Wolfenden |
| Denison | Kemp | Owen | Wood |
| Douglas, Ariz. | Kiefner | Pritchard | Wurzbach |
| Doutrich | Knutson | Ransley | Yates |
| Doyle | Kunz | Rich | |
| Fenn | Kurtz | Rowbottom | |

So (two-thirds not having voted in favor thereof) the rules were not suspended and the bill was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Wood with Mr. Byrns.
Mr. Tilson with Mr. Ayres.
Mr. Campbell of Pennsylvania with Mr. Bankhead.
Mr. Gifford with Mr. Griffin.
Mr. Ransley with Mr. McDuffie.
Mr. Thurston with Mr. Hull of Tennessee.
Mr. Carter of California with Mr. Buchanan.
Mr. Mouser with Mr. Connery.
Mr. Cooper of Ohio with Mrs. Owen.
Mr. Yates with Mr. Williams.
Mr. Rich with Mr. Corning.
Mr. Wason with Mr. Hudspeth.
Mr. Schneider with Mr. Fulmer.
Mr. Hartley with Mr. Oliver of New York.
Mr. Halsey with Mr. Garrett.
Mr. Kiefner with Mr. Sullivan of New York.
Mr. Sullivan of Pennsylvania with Mr. Stevenson.

The result of the vote was announced as above recorded.

The doors were opened.

AMENDMENT OF NATURALIZATION LAWS

Mr. CABLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10672) to amend the naturalization laws in respect to posting notices of petitions for citizenship, with Senate amendments, disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

Mr. SABATH. I object. I do not know what this bill is about.

Mr. JOHNSON of Washington. Will the gentleman withhold his objection?

Mr. SABATH. I withhold it. If I can learn something about it, I may withdraw it.

Mr. JOHNSON of Washington. This is a House bill pertaining to certain naturalization rights and repatriation of women. It has passed the Senate with numerous amendments. One of these gives the right to return to the United States of soldiers now overseas who have slept on the rights previously granted by laws. Other matters that are somewhat involved have been added and therefore require a conference. It is a proper bill to go to conference, and I hope the gentleman will not object.

Mr. SABATH. Is this a bill that will permit American ladies who go abroad to buy titles and then after they are mulcted and relieved of all their wealth, they are ready to come back to America?

Mr. JOHNSON of Washington. Oh, we do not guarantee the titles. I do not think so; but at any rate, all of that will be taken care of in conference, and I hope the gentleman will not object.

Mr. CABLE. This bill has nothing to do with any women coming back to this country, because it has no immigration feature in it.

Mr. SABATH. I withdraw the objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. JOHNSON of Washington, CABLE, and BOX.

HEALTH AND WELFARE OF MOTHERS AND INFANTS

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, with House amendments, insist on the House amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. PARKER, COOPER of Ohio, and RAYBURN.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this maternity bill, as I was unavoidably detained from the sessions of the House on yesterday when the bill was passed.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD on the bill just sent to conference. Is there objection?

There was no objection.

Mr. TUCKER. Mr. Speaker, in the Constitution of the United States, Article IV, section 4, it is provided:

> The United States shall guarantee to every State in this Union a republican form of government.

This bill seeks to take from the States what the Constitution solemnly requires the United States to secure to them, namely, a republican form of government. We need not discuss technically what constitutes a republican form of government, for it is admitted that all 48 States of the Union have governments republican in form. (See Minor *v.* Happersett, 21 Wall. 175; and In re Duncan, 130 U. S. 461.)

Each State provides for the election of its officers by popular vote and has a legislative, executive, and judicial department, separate from each other, with a constitution that defines and limits their powers.

The legislative power is unlimited generally as to the people and property of the State except by the State constitution and the Constitution of the United States. Under this power this department may create organisms for certain purposes and then appropriate money to carry them out; it may build a university and appropriate money to carry it on; it may establish a school system and appropriate money for it; it may establish a health unit or a child welfare department to look after the health of the children of the State, as provided by the tenth amendment of the Constitution of the United States. The legislators are trustees for the people and for the money in the State treasury, and these trust duties can not be evaded or surrendered to any other department, person, corporation, or other government to carry them out. To attempt to abdicate or transfer this trust to another is a breach of trust. Indeed, the question is so plain and simple that it needs no argument, for it speaks for itself that the duty of a State legislator, in response to public demand to create a health unit for children and maternity, to appropriate money to carry it on, to lay out and prescribe the plans and lay down the character of the work and its limitations, can not be transferred to any other power or State, and especially can not be given to another government.

In the business world what would be thought of a board of directors of a bank appropriating money to carry out a business scheme of the bank attempting to give the authority to the board of a rival bank to carry out the scheme? How much stronger is this case, if the legislators of the States, intrusted with the duty of looking after the health of the children of the States, and their mothers, in a way suitable to such people in that particular community, as laid down in their State laws, should seek to surrender entire control of the appropriations for such purpose, and give the power to the Federal Government to carry out the trust, not in the manner prescribed in the State law, but wholly and entirely it may be as the Federal corporation chooses and directs? Take my own State—Dr. Ennion G. Williams is the head of the Virginia State Health Unit; he is without a peer in his work; the people know him and trust him, and for years he has conducted his office with distinguished ability and efficiency. By this bill the entire conduct of that business in Virginia is to be transferred to the hands of the Federal health coordinating board, located in Washington and not in Virginia, to carry on the work.

Chief Justice Marshall in McCulloch *v.* Maryland (p. 431, 4 Wheat.) indorses this view, saying:

> But is this a case of confidence? Would the people of any one State trust those of another with a power to control the most insignificant operations of their State government? We know they would not.

The question, therefore, is, Is the care of maternity and children and their health a function of the State or of the Federal Government?

Chief Justice Marshall, in Gibbons *v.* Ogden (9 Wheat. 1), in speaking of the reserve powers of the States, said they represented—

> that immense mass of legislation, which embraces everything within the territory of a State, not surrendered to the general Government; all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws *of every description*, as well as laws for regulating the internal commerce of a State.

The Child Labor cases, Hammer *v.* Dagenhart (247 U. S. 273) and Bailey v. Drexel Furniture Co. (259 U. S. 120), settled this question because the question of child labor as it affects the health of the child was involved in both of them; and the court held that neither the commerce clause of the Constitution nor the taxing power of the Constitution could be invoked to regulate child labor in the States since the regulation of child labor for the protection of the health of children was a State function that Congress could not perform. Justice Day in the Hammer case used this language (p. 273):

> The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the General Government. To sustain this statute would not be in our judgment a recognition of the lawful exertion of congressional authority over interstate commerce, but would sanction an invasion by the Federal power of the control of a matter purely local in its character, and over which no authority has been delegated to Congress in conferring the power to regulate commerce among the States.

And Judge Taft, in the Bailey case, supra, involving the tax power of Congress, used this notable language:

> Yet when Congress threatened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State, in order to coerce them into compliance with Congress's regulation of State concerns, the court said this was not in fact regulation of interstate commerce, but rather that of State concerns, and was invalid. So here the so-called tax is a penalty to coerce the people of a State to act as Congress wishes them to act in respect of a matter completely the business of the State government under the Federal Constitution.

So that this bill which endeavors to deal with a subject entirely within the control of the States under the Constitution is unconstitutional, null, and void.

And we will now proceed to show, under the bill, how a State's action is unconstitutional in its acceptance of a bill that attempts to transfer to the Federal Government powers that belong alone to the States. The object of the bill is stated in section 1, to coordinate "the general rural health and maternal and child-health activities" between the United States and the several States. Under the Constitution of the United States, as this duty is nowhere directly or by implication assigned to the Federal Government, under the tenth amendment, it belongs to the States, and if so, the Federal Government has no power or control over it, and any attempt to exercise such power must, therefore, be void and of no effect. This being true, if a State, through its legislative branch, seeks to surrender this duty to the Federal Government the State law is null and void; it is a clear abdication on the part of the State of a plain and certain duty. First, in section 4 of the bill, the State in order to receive any money under the act, must accept the provisions of this bill by its legislature or governor. Second, section 4, the State board or the State health unit or agency must submit plans for carrying out the work in accordance with regulations prescribed by the board of the Federal corporation. Third, this same Federal board (sec. 2 of the bill) has power to approve or disapprove the plans of the State agency.

Now, let us examine these three requirements. First. How can the legislature or the governor of a State accept the provisions of this bill? If the acceptance is by the legislature, it is assumed that the acceptance must be a legislative act, and if so, how can the governor, in case the legislature does not act, accept it; in a republican form of government how can a governor perform a legislative act? Or, how can the legislature of a State divest the State, even for money, of the duty which the Constitution of the United States has imposed upon the State? Can the legislature of a State change the Constitution of the United States? What power resides in the legislature of a State to take away from its own officer (of the health unit of the State), the duty of carrying out this State function and placing that power in the board of a Federal corporation. That is clearly *ultra vires*. Or, what power has the legislature to compel the health officer of a State to unite with the board of a Federal corporation in expending funds of that Federal corporation? In such a proceeding, to whom is the State agent responsible? If he steals the money, can the Government of the United States hold him accountable for it? Or, can the State government hold him responsible in this regard? And how can the governor make such acceptance and change the law of the State by putting additional duties upon an officer of the State, and laying him open to penalties by another government to which he owes no allegiance in this matter? This is beyond compare the most reckless attempt ever known of inducing and bribing a State to break its own constitution as well as that of the United States.

Second. Under this head we find that the head of the State health unit must submit plans to the board for carrying on the work, and this may be considered with heading No. 3, wherein this same Federal board has the power to approve or disapprove the plans of such State agency. What

does that mean except that the plans of the Federal board are to be absolutely controlling. The power to approve or disapprove the plans means that the duty required here for the head of the State unit to submit plans is a mockery. This view is heightened by the provision in section 11 that no money appropriated by the Federal Government for this purpose, and no money appropriated by the State for this purpose, shall be used in the purchase, erection, preservation, or repair of any buildings or equipment, nor shall any of it be used for maternity or infancy, pensions, stipend, or gratuity. A State that goes into this scheme may have provisions in its law for the erection and repair of buildings; it may have maternity gratuities or pensions, or infancy pensions, or gratuities, and the legislature that accepts the provisions of this bill, if it were valid in its effect, would thereby repeal the State law in reference to buildings and maternity pensions which had been enacted by the legislature of the State in response to public demand in that State. In other words, it would operate as a repeal of those laws. A law can be repealed, of course, but the legislature can not repeal a law without the consent of the governor; and here is an attempt to violate another principle of a republican form of government which takes away the requirement of the governor's consent and sanction to all laws passed and leaves it to the legislature alone.

Under a republican form of government the legislative power extends to and over all persons and property in the State and no power or government outside of the State can change the status or exercise any regulatory powers over any officer of the State in the discharge of his State duties, for the Federal Government was not organized to carry on the local affairs of the people of the States; nor can it buy, or the State government sell, these powers to another, for they were bought with the blood of our fathers in their struggle for independence by the people of the States, and will never be surrendered by any except a weak, servile, and faithless people. This shows that a republican form of government can not be maintained in a State when State officers are controlled by and subordinated to Federal officers and Federal power, or when State functions are stealthily taken from them and carried out and developed by Federal officials without responsibility to the States. Under this bill, could the State of Virginia proceed against the Surgeon General of the United States Public Health Service as the chairman of the board? Or under this bill, could the State of Virginia proceed against its public health officer for dereliction of duty when this bill attempts to transfer his duties to the Federal board?—

> Oh, what a tangled web we weave,
> When first we study to deceive.

In sustaining my position, I beg to quote two passages from ex-President Calvin Coolidge:

> The greatest solicitude should be exercised to prevent any encroachment upon the rights of the States or their various political subdivisions. Local self-government is one of our most precious possessions. It is the greatest contributing factor to the stability, strength, liberty, and progress of the Nation. It ought not to abdicate its power through weakness or resign its authority through favor. It does not at all follow that because abuses exist it is the concern of the Federal Government to attempt their reform.
>
> Society is in much more danger from encumbering the National Government beyond its wisdom to comprehend or its ability to administer than from leaving the local communities to bear their own burdens and remedy their own evils. Our local habit and custom is so strong, our variety of race and creed is so great, the Federal authority is so tenuous, that the area within which it can function successfully is very limited. The wiser policy is to leave the localities, so far as we can, possessed of their own sources of revenue and charged with their own obligations. (The annual message of the President, December 8, 1925.)
>
> I have referred in previous Budget messages to the advisability of restricting and curtailing Federal subsidies to the States. The maternity act offers concrete opportunity to begin this program. The States should now be in a position to walk alone along the highway of helpful endeavor, and I believe it in the interest of the States and the Federal Government to give them the opportunity. (Annual Budget message of President Coolidge. Quoted in the CONGRESSIONAL RECORD, January 7, 1927, p. 1219.)

But this bill contains another provision involving the so-called cooperative (?) duties of the Federal Children's Bureau with the State agencies of health in the several States and makes even more prominent than in the former discussion the attempted destruction of a republican form of government in the States. Here under the Children's Bureau we see more clearly what is meant by "cooperation" between State and Federal agencies to promote maternity and child welfare. Experience shows that when the Federal Government seeks to cooperate with a State in any activity it is like the lion who seeks cooperation with the lamb in their activities, which inevitably results in the lion swallowing the lamb. What sort of "cooperation" can that be when the Federal Government, in this bill, says to the States, "You shall do this" and "You shall not do that"? Is that the language of "cooperation"? Or of superior to inferior? Of master to servant? This language of command and of prohibition by the Federal Government to the States is defended by the advocates of this bill on the ground that what is commanded and what is prohibited is a proper thing that the States will not object to in many cases. That is not the question. If they have the power to command, which they are asking for here, and the power to prohibit, this board that has the power to make its own rules and regulations can do what it pleases. Now, see in the following cases whether I am correct in this statement.

First. Section 5. This language:

> *Provided*, That the plans of the States under the act *shall* provide—
>
> And so forth.

Second. Section 10:

> The State agency *shall* make report—
>
> And so forth.

To whom—the States? Oh, no; to the Federal board.

> The ox knoweth his owner, and the ass his master's crib.

The State agent must report to the Federal board how he has spent the State's money. Cooperation is the union of two separate, independent units doing the same work. There can be no "shall" or "shall not" between equal units.

Third. Section 5. The States *must* accept this act.

Fourth. Section 5. The State agent *must* submit plans to suit the Federal board, not the State, whose officer he is.

Now, see the cases in this bill of "shall not":

First. Section 5. The plans submitted to the Federal board by the State agent *shall not* contain any one of three prohibited things. Is that free agency on the part of the State?

Second. Section 11. No Federal money shall be used for purchase or repair or renewal of buildings. No State money shall be used for such purposes, or maternity or children's pensions, though the State may have buildings for these very purposes, and may have a law granting maternity and children's pensions. Are not the words "shall not" inconsistent in their use between equal cooperative agencies? Again, the State agent must make his report to the Federal board, and is prohibited from spending State money as the State directs, but must spend it as the Federal board directs, and if his conduct is satisfactory to the State in the expenditure of State money but not to the Federal board, further advances may be withheld and the agency subjected to such discipline and punishment as the President of the United States, to whom he may appeal, may "consider proper." Under these conditions, is such a State agency an officer of the State when he is subject to the orders of the Federal board and not to the State when his direction of the funds of the State intrusted to him for State purposes are absolutely controlled in their uses by the Federal board and the Children's Bureau?

Section 5 of the bill requires the acceptance by the State of the provisions of an act approved November 23, 1921, which expired by limitation in 1929. It is quite an unusual provision to tie a living body to a dead statute that has passed out of existence, and how can a State accept the provisions of a dead act? If it were a living organism, there might be some reason to it, but can the acceptance by the State of a dead act make it a living organism; and the alternative to the State that does not accept this act of November 23, 1921, is that through its legislative authority it shall ac-

cept the provisions of this act. The two acts are entirely different. The acceptance of the dead act does not cover the provisions in this, nor do the provisions of this act cover those of the dead act. It is a muddy and inexplicable alternative that finds no place in a proper statute; and in addition to the requirements of acceptance of the provisions of this act it requires that the State unit shall submit to the Children's Bureau detailed plans for carrying out the provisions of subsection (b) of section 3, and that after that is done these plans shall be subject to the approval of the board; that is, the plans are the plans of the board and not of the State; and immediately following this—showing that this is true—the bill declares, section 5, that the State plans shall conform to three conditions—prescribed by the board, of course. The first condition is a limitation of the amount to be expended; the second is that the problems discussed must be limited to rural districts and to towns and cities of not over 50,000 population; and, third, that the plans submitted shall include, first, promoting the establishment of local health services for mothers and children, with several other conditions. Here are three conditions put upon any State plans that may exist in any State.

In other words, the Children's Bureau, having directed that the State agency must submit plans, proceeds in this section to put three conditions upon such plans which may destroy the State plans and make them inoperative. That is, the State unit is required to make plans, but the board can say, "You shall put in this provision and that you shall not put in other provisions." Is not this a merciless dictation by the board of its own plans? And further, that all State plans must contain a provision that no officer or agent of the State shall enter any home or take charge of any child over the objection of the parents, and so forth. Such a provision might be quite necessary for any representative of this board, but the State would seem to have a right to control its own agents to see that their acts shall conform to the Constitution of the United States and of the State. This is another illustration of "Thou shalt not" to the States.

Section 10 of the act gives an extraordinary power to the board of this corporation wherein the Children's Bureau, at the request of a majority of the board, shall withhold any further certificate provided for in section 9 of the act (which looks to securing the money) if the State agent in the conduct of his work has not properly expended not only the money paid to it by the Federal Government, but the money paid him by the State for the purposes of the act. It might be reasonable that this Federal board should have the power of withholding money from a State officer appropriated by the Federal Government, but it goes further and declares that if the head of the health State agency, a State officer, in the judgment of the Federal board, has not properly expended the money of the State whose officer he is that no further certificate will be allowed the State for securing further moneys under the bill.

Can that provision be regarded by anyone as securing to the State whose officer is involved a republican form of government? Who is to determine whether the money has been "properly expended" or not? It was the State's money given for a State purpose into the hands of a State officer, and by what process of logic or reason can this proposed partnership between the Federal Government and the States to carry out a State function be justified or upheld when the State officer is discharging a State function with State money? Is this Government republican in form that permits its appropriations to be controlled by a foreign officer? If it be said that the State has accepted the conditions of this bill, we answer that the fundamental doctrine, whatever may be the form, is that a State can not accept, under the Constitution of the United States, any form of procedure that compels it to relinquish its status as a State with a republican form of government, and it would be difficult to find anyone to uphold the above doctrine as consistent with a republican form.

And mark what follows in this section 10:

> Such certificate may be withheld until such time or upon such conditions as the board may determine—

And during this unlimited time of withholding the certificate, with unlimited conditions that may be imposed by the board, the State agency is graciously allowed to appeal—

> To the President of the United States, who may either affirm or reverse the action of the board with such directions as he shall consider proper.

By what stretch of the imagination can the President of the United States be called in to determine whether a State officer, selected by the legislature or appointed by the governor of a State, has been guilty of a breach of the law of his State? Suppose the President, with power to affirm * * * the action of the board "with such directions as he shall consider proper," directs that the State agent shall be sued for the money, who could sue, the State or the Federal board? Whose money is it? Could he direct either one to do so? Or could he fine this amphibious agent, half Federal and half State, as described by Secretary Doak, for disobedience to his order? Or suppose the President should direct the State to remove him from office, must the State do so? If so, who is the controlling power in State affairs, the President or the governor? Or suppose the President says the State must reappropriate the money the agent has stolen, must the State obey the President? Can these conditions comport with a republican form of government in any State when its legislative and executive power is dominated by the President of the United States? And if a State, in proper form, accepts a law giving such powers to the President, is it not patent to the simplest understanding that it must be null and void under the Constitution of the United States?

These two provisions affecting the general health of the people of the country and conditions of maternity and children are set forth in this bill, as we have shown, can not be sustained because its provisions would tear down rather than preserve a republican form of government in each State in the Union.

And lastly, section 11 declares that no State in the Union that has a child-welfare unit shall have the right to apply the money furnished by the State for the purchase or erection of buildings or any maternity or infancy pensions, even though the State, by law, provides for such. Is that provision consistent with the right of each State to appropriate money for its own purposes, without dictation from any other power, and is it consistent with the duty of the United States to guarantee a republican form of government to each State when the bill asserts with solemn impressiveness that no State can use its own money through its own officer for its own functions as may be prescribed by the law of the State? The Federal Government has no power to put conditions upon the appropriations of the States for State purposes, and no State can agree to such a thing, for it is a surrender of those powers which are inherent in a republican form of government. It would be State suicide.

These two provisions in this bill, giving control of the powers and functions of the State to the Federal Government, are fatal to the guaranty of a republican form of government to every State of the Union. That such a bill could be brought into this House is a marvel.

Had this bill come from an outside government it would be bad enough; but here is this great Congress of the United States, a creature of the Constitution of the United States which had been created by the thirteen original States in 1787, with the sacred duty in that Constitution placed upon the United States of guaranteeing a republican form of government to each State of the Union, each State forming an integral part of the United States Government, having given abundantly of their sovereign powers in the beginning that this Federal Government might protect and defend each and all of them, and asking only in return that their several State governments might be preserved to them republican in form; and it is this Congress of the same United States, in this bill, that is shooting this poisoned arrow at the hearts of each one of these States. The States stand aghast at such an act, and are ready to exclaim:

> So the struck eagle stretched upon the plain,
> No more through rolling clouds to soar again—
> Viewed his own feather on the fatal dart
> That helped to wing the shaft that quivered in his heart.

Who in the present administration backs this bill?

I

Is it President Hoover? No. President Hoover in 1929 wrote:

I recommend to the Congress that the purpose of the Sheppard-Towner Act should be continued through the Children's Bureau for a limited period of years.

In 1930 the President, in his annual message, said:

I urge further consideration by the Congress of the recommendations I made a year ago looking to the development through temporary Federal aid for the health of children.

And so forth.

The President, therefore, does not back this bill, as it is unlimited in duration. These declarations of the President, it is noted, were made in 1929 and 1930, but when he came to deliver his address on the birthday of President Lincoln on February 12, 1931, in studying the position of Mr. Lincoln on constitutional questions, a new light dawned upon him, and the following quotation from that address justifies me, with exceeding great pleasure, of placing the President unequivocally in principle against this maternity bill in any form.

The moment responsibilities of any community, particularly in economic and social questions, are shifted from any part of the Nation to Washington, then that community has subjected itself to a remote bureaucracy with its minimum of understanding and of sympathy. It has lost a large part of its voice and its control of its own destiny. Under Federal control the varied conditions of life in our country are forced into standard molds, with all their limitations upon life, either of the individual or the community. Where people divest themselves of local government responsibilities they at once lay the foundation for the destruction of their liberties.

And buried in this problem lies something even deeper. * * * The spread of government destroys initiative and thus destroys character. Character is made in the community as well as in the individual by assuming responsibilities, not by escape from them. Carried to its logical extreme, all this shouldering of individual and community responsibilty upon the Government can lead but to the superstate where every man becomes the servant of the State and real liberty is lost. Such was not the government that Lincoln sought to build.

II. SECRETARY MELLON'S POSITION

But the bill was referred to the Secretary of the Treasury for his opinion, and on June 26, 1930, he addressed a letter to Hon. JAMES S. PARKER, chairman of the Committee on Interstate and Foreign Commerce, in which he said:

While it is the opinion of the Treasury Department that there is already ample authority under the rural sanitation appropriation act for cooperation with State health agencies in developing local whole-time health units and while the Treasury Department is convinced that all essential activities for the prevention of disease and the promotion of health in both sexes and among all age groups of our population can and should be administered by the United States Public Health Service, which already possesses authority in law to cooperate with State and local health agencies for the protection of the public health, this department is not disposed to interpose objections to bill H. R. 12995 other than to reiterate its statement as set forth in its report to you of August 6, 1928, as it pertains to the establishment of an additional organization of the Government to administer public-health work.

A. W. MELLON,
*Secretary of the Treasury.*

What report was this the terms of which he reiterates to the chairman of this committee? I present a copy of it for your consideration.

AUGUST 6, 1928.

Hon. JAMES S. PARKER,
*Committee on Interstate and Foreign Commerce,*
*House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: I have to acknowledge receipt of your letter of May 29, 1928, inclosing bill H. R. 14070, entitled "A bill to provide a child welfare extension service, and for other purposes," with a request for a report thereon.

The purposes of the bill appear to be to authorize annual appropriations and to provide facilities for health and welfare work on behalf of mothers and children, either independently or in cooperation with State and Territorial agencies, or through them with county or municipal agencies engaged in such work. Its enactment into law is believed inadvisable for the following reasons:

1. It relates exclusively to women and children notwithstanding the protection of their health is an integral part of the general program of safeguarding the public health.

2. It creates an additional permanent organization with authority to engage in health work which function should properly devolve upon the existing Federal health agency.

3. In health matters cooperation of the Federal Government with States and local communities should be through the respective health authorities. For such cooperation as may be authorized by law, State and local health authorities should be able to look to the Federal health agency; they in turn should not be expected to cooperate with multiple Federal organizations in health matters, nor have regulatory activities conducted within their jurisdictions independently of them.

4. There is now authority in law for cooperation by the United States Public Health Service with State and local health authorities for the protection of the public health.

This authority should not be duplicated; to do so would tend to cause overlapping and confusion.

I am advised by the Director of the Bureau of the Budget that this report is not in conflict with the financial program of the President.

Very truly yours,

HENRY HERRICK BOND,
*Acting Secretary of the Treasury.*

It is seen from this report of August 6, 1928, that the Acting Secretary of the Treasury, Mr. Bond, uses this language, speaking of the reenactment of the Sheppard-Towner Act:

Its enactment into law is believed inadvisable for the following reasons (four of them).

And Secretary Mellon says that he is not disposed to interpose objections to this bill other than to reiterate his former objections, which were four, and these four reasons are powerful arguments against this bill. He objected to it in 1929 and reiterates that objection in 1930, and we can safely leave the argument against it in Mr. Mellon's report.

I have discussed quite often the fundamental objections to this class of bills under the Constitution of the United States, and, without repeating those arguments, I beg to submit a list of authorities which sustain my view:

Primus inter pares, Chief Justice Marshall in McCulloch *v.* Maryland (4 Wheat. 316).
Gibbons *v.* Ogden (9 Wheat. 1).
Virginia Constitutional Convention, 1829–30, on the militia.
Judge Brewer in Kansas *v.* Colorado (206 U. S. 89) and Fairbanks *v.* United States (181 U. S.)
Judge Miller in Loan Association *v.* Topeka (20 Wall. 655).
Judge Miller on the Constitution (p. 229, note 2).
Mr. Madison, Resolutions of 1798.
Mr. Madison's message, May 4, 1822.
Federalist No. 41.
Veto message, March 3, 1817.
Letter of Madison to Andrew Stevenson.
Supplement to letter to Andrew Stevenson. (Writings of James Madison, by Gaillard Hunt, Vol. IX, p. 424.)
Cooley on Taxation, second edition, page 110.
Cooley, Constitutional Limitations, pages 11 and 106.
Willoughby on the Constitution, volume 1, page 40.
James Wilson (Wilson's Works: Andrews, vol. 2, pp. 56–59).
John C. Calhoun, February 20, 1837, United States Senate. (Works of Calhoun, Vol. III, p. 36.)
Mr. Jefferson on power of Congress to establish Bank of the United States, February 15, 1791.
Letter to Judge Spencer Roane, October 12, 1815. (Works of Jefferson, by Paul Leicester Ford, 1905, Vol. XI, p. 489.)
Von Holst, a strong Federalist, Constitutional Law of the United States, page 118.
Hare, American Constitutional Law, volume 1, pages 242–243.
William A. Duer, Constitutional Jurisprudence, second edition, page 211.
Grover Cleveland, veto message to the House of Representatives making appropriations for drought-stricken counties in the Southwest.
B. J. Sage in Republic of Republics.
Calvin Coolidge, addresses of, Budget meeting, January 21, 1924, and annual message, December 8, 1925.
Tucker on the Constitution, Volume I, pages 477, 478–480.
Chief Justice Taney in Dobbins *v.* Commissioners of Erie County (16 Pet. 448–449).
Chief Justice Chase in Veazie *v.* Fenno (8 Wall. 541).
And Judge Story on the Constitution, sections 907–909, 910.

It is interesting to note that the many examples of where the death rate of infants increased under the Sheppard-Towner Act show that the law did not carry out what it proposed to do, and the three States, Illinois, Massachusetts, and Connecticut, that did not adopt the act at all, are striking examples of what can be done in reducing mortality by the people of each State directing it according to their own plans and views, for in these States mortality of women and children was less than in those that adopted it.

In Standards of Child Welfare, the Report of the Children's Bureau Conferences, May and June, 1919, Conference Series No. 1, Bureau Publication No. 60, on page 145, a distinguished doctor, professor of obstetrics, filed a paper from which, on page 146, I extract the following:

I take it that the first step in such a campaign of education for the improvement of obstetrical conditions must consist *in the compulsory registration of pregnancy* through the local health officer.

In this event it will be possible for every pregnant woman throughout the entire country to be supplied gratis with certain of the publications of the Children's Bureau, and thereby, if able to read, to be convinced of the importance of insisting upon adequate care. Furthermore, it should be the duty of the local health officer to see that the women who register should promptly arrange for suitable care during pregnancy and at the time of labor. If a physician were engaged, the health officer's responsibility would end, but if the patient is to be cared for by a midwife, it would be his duty, or that of a paid substitute acting for him, to see that certain examinations and requirements were carried out.

I do not know how far the views set forth in the above quotation are entertained by those who have the execution of the Children's Bureau under this bill. I have been informed, however, that there are some who entertain the same view, and if so, it will remain for the men and women of this country to say whether the social standards of the country will submit to these proposed hygienic regulations. The principles of this bill have had a trial, lasting for five years, and the results of that trial are far from realizing the hopes of the authors of the bill. Whether a continuation of it might improve conditions which in many of the States have not been improved, no one can say; but the terms of the bill are fatal to a republican form of government, and will strike down the integrity of the States of the American Union, and make them subservient tools of the Federal Government in its triumphant march to a centralized bureaucracy!

ENGROSSMENT AND ENROLLING OF BILLS AND JOINT RESOLUTIONS DURING THE REMAINDER OF THE SESSION

Mr. SNELL. Mr. Speaker, I send to the Clerk's desk a House concurrent resolution and ask unanimous consent for its immediate consideration.

The Clerk read the House concurrent resolution, as follows:

House Concurrent Resolution 53

*Resolved by the House of Representatives (the Senate concurring)*, That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be engrossed and enrolled by the most expeditious methods consistent with accuracy.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The concurrent resolution was agreed to.

ORDER OF BUSINESS

The SPEAKER. In view of the congested situation of business, unless the various matters of general legislation to be brought up by rule or possibly by suspension shall have been concluded by 6 o'clock this afternoon, the Chair will not recognize requests to take up Senate bills or other bills which would naturally come up in their order to-day; but the Chair will devote considerable time on Monday to unanimous-consent requests to consider Senate bills or House bills with Senate amendments.

Mr. LEHLBACH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LEHLBACH. If unanimous consent is asked and objection is made, will the Speaker recognize the proponents of the bill to renew his request?

The SPEAKER. The Chair could hardly answer that; he would if there was no particular reason why he should not.

Mr. SNELL. Is it the Chair's intention to take up in order the three rules that have been agreed upon?

The SPEAKER. Yes; and if time is left before 6 o'clock, suspension of the rules.

Mr. STAFFORD. Mr. Speaker, is it the intention to have the Consent Calendar called on Monday?

The SPEAKER. It will be in order.

BOOKS FOR THE BLIND

Mr. SNELL. Mr. Speaker, I call up House Resolution 363.

The Clerk read the resolution, as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 4030, to provide books for the adult blind. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Library, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, this rule simply provides for the consideration of a bill that has been before the House for some time, making an appropriation of $100,000 at the disposal of the Library of Congress to buy books for the adult blind. I know of no opposition, and I do not think any time is desired on the rule.

Mr. POU. There is no opposition to the rule on this side.

Mr. O'CONNOR of New York. The only thing I hope is that the bill will be explained in the House. It was not very clearly explained before the Rules Committee. I hope the bill will not be rushed through and that we will be given the hour which the rule provides for consideration.

Mr. SABATH. Will amendments be in order?

Mr. SNELL. Yes; under the general rules of the House.

Mr. CRAIL. I want to say that there is opposition to the bill. The rule provides that the time may be equally divided between the chairman and the ranking minority member, both of whom are in favor of the bill.

Mr. SNELL. I assure the gentleman that the opposition will have one-half of the time.

Mr. CRAIL. With that assurance, I have no objection.

Mr. TUCKER. Does the bill apply to the District of Columbia only?

Mr. SNELL. To the whole United States.

Mr. CELLER. Does this provide that the books shall be in Braille?

Mr. SNELL. I suppose they are, but I do not know about that. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

NATIONAL PARK AND PLANNING COMMISSION

The SPEAKER. Pursuant to the act of Congress approved June 6, 1924 (43 Stat. 403), as amended by the act of April 30, 1926 (44 Stat. 374), the Chair appoints the gentleman from Michigan, Mr. McLEOD, as a member of the National Park and Planning Commission.

BOOKS FOR THE BLIND

Mr. LUCE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 4030) to provide books for the adult blind.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

Mr. LUCE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LUCE. Mr. Chairman, I yield 10 minutes to the gentlewoman from New York [Mrs. PRATT], the author of the bill. [Applause.]

Mr. CRAIL rose.

The CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. CRAIL. I rise to a parliamentary inquiry.

The CHAIRMAN. Does the gentlewoman from New York yield for that purpose?

Mrs. RUTH PRATT. Yes.

Mr. CRAIL. As I heard the resolution read, we are considering a Senate bill and not a House bill.

The CHAIRMAN. We are considering a Senate bill.

Mr. CRAIL. The gentleman from Massachusetts [Mr. LUCE] yielded 10 minutes to the author of the bill, and I thought perhaps he had switched to the Pratt bill.

The CHAIRMAN. It is the same bill.

Mrs. RUTH PRATT. Mr. Chairman, this bill requires very little explanation, and I believe needs no defense. There are in the United States approximately 100,000 blind persons. Of these about 90,000 have become blind during their adult years. Of this number about 25,000 are able to read the Braille type. The Government long since recognized its obligation to the little children who are blind, by providing an appropriation for material and textbooks in Braille type, but the literature for the adult blind is woefully inadequate. Take, for example, the library in New York, which has a special department for the blind. In that library there are only about 1,000 titles available to them, while for those of us who can see there are something over 1,000,000. The American Foundation for the Blind made a survey, and as a result of that survey it was found there were three obstacles in the way of the provision of books for the adult blind. One is the proper geographical location of distribution centers; one is the unfair distribution of the expense incident to providing books and distributing them; and the other, the inadequacy of the amount of literature for the blind. This bill proposes to overcome all of these difficulties. It provides for an appropriation, in addition to the other appropriations for the Library of Congress, to the amount of $100,000 annually, to be expended under the administration of the Librarian of Congress. Your Committee on the Library deemed that to be the proper way in which to provide for the expenditure of this money, because the Library of Congress is a Government agency directly responsible to the Congress.

One of the great outstanding personalities of our time is Miss Helen Keller. From infancy she has had three seemingly insurmountable handicaps—deafness, dumbness, and blindness. Through a great beauty of spirit, gallant courage, and indomitable will she has been able to break through this human bondage and make for herself an unchallenged place in the intellectual life of our time. [Applause.] I wish every Member of this House might have been present at the hearing when she appeared before the Committee on the Library. We were all intensely touched, emotionally, but, more than that, we were left with a profound sense of the simple justice of her appeal. [Applause.]

I yield back the remainder of my time.

Mr. WARREN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Chairman, this bill appeals to our very best humanitarian instincts. It makes a little financial substance go a long way in the production of happiness. What a boon this legislation will be to many souls that are shut in, and that will stay shut in until they put on the robes of immortality!

All of us know in our own circle of acquaintances blind persons to whom the books to be provided by this bill will be the choicest of blessings. I have now in mind an old mother who resides less than 2 miles from this Capitol. Her head is snow crowned. She has raised a large family and she has been a good mother. Her eyes, the windows of as sweet a soul as ever graced God's footstool, have gone out. At regular intervals a messenger from the Library of Congress delivers at her home a Braille book, and if you could see the light of happiness that comes over her face at such times, as I have seen it, you would have no doubt of the good this legislation will accomplish in lightening and lifting the depression that engulfs the blind.

We can not make the blind see, but we can take a lot of the sadness and sorrow out of their lives by giving them embossed books to read. Next to restoring their vision, which no earthly agency can do, our best gift to them is something that will enable them to forget themselves; something to break down the barriers that imprison them in such dreaded isolation; something that will give them contact with the living, moving world. That something is books.

This bill is admirably conceived to accomplish that purpose—not all at once but by gradual degrees. It is a very simple measure. It appropriates $100,000 a year to provide books for the blind printed in raised characters which may be read by the sense of touch. It puts this money at the disposal of the Librarian of Congress. Some of the books will be kept here and others will be sent out to libraries over the country, where they will be made available for circulation among blind readers.

Several agencies besides the Library of Congress have been suggested as a means of getting the books distributed and circulated, but when we consider the noble purpose to be served this seems too small a matter to quibble over. The main object, which gives the legislation its incentive and its value, is to provide suitable books and get them out among the blind according to some well-regulated system, and I do not know any agency better designed to accomplish this end than the great national library known as the Library of Congress, which is directly responsible and accountable to Congress, and which already maintains a service for the blind that is easily capable of being expanded to these greater proportions and made an instrumentality of service for large numbers of sightless persons.

Our committee listened with rapt attention to the testimony of the most remarkable living champion of the blind, Miss Helen Keller. We were charmed by her brilliancy and spellbound by her eloquence. Bereft of both hearing and sight, she seemed as she stood before us to be the incarnation of pathos, but, though she lives in darkness, there was not one of us but was impressed by the height and breadth and depth of her spiritual vision. We believed her when she said:

> Books are the eyes of the blind. They reveal to us the glories of the light-filled world. They keep us in touch with what people are thinking and doing. They help us to forget our limitations. With our hands plunged into an interesting book we feel independent and happy. I ask you to show your gratitude to God for your sight by voting for this bill.

Let us do as Helen Keller asks us to do. Let us show our gratitude to God by rendering this help to his sightless creatures. By so doing we will show our gratitude for Helen Keller, one of the noblest women of our time and all time. [Applause.]

Mr. LUCE. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. CRAIL].

Mr. CRAIL. Mr. Chairman and my colleagues of the House, I am for Braille books for the blind as much as anybody in this House, but I am opposed to this bill unless it is amended as I shall hereafter suggest, because I think it would be vicious in its operation. It is a simple bill on its face, very innocent looking, but it would lead our Government into very serious consequences.

We are in the closing days of a session of Congress. Bills that come up at this late date are supposed to be emergency bills, and it is supposed that there is some good reason why they should be rushed through. If there is any reason why this bill should be jammed through Congress in its half-baked condition without consideration, I do not know what it is. There is no emergency here. Our Government has been in existence for 150 years, and if this were something that required immediate action, something would have been done about it during the 150 years our Government has been functioning, or something would have been done about it earlier in this present session. It has not been indorsed by any national party convention, Republican or Democratic, or any other. It has not been indorsed by any President; it has not been reasonably considered on its merits. This is a Senate bill. The committee in the Senate that reported this bill held no hearings on it whatever. The report which accompanied the bill in the Senate merely said that hearings were held in the House.

Hearings were held in the House on a similar bill by the Committee on the Library, which is composed of five members, of which the author of a similar bill is a member. Very carefully other bills for the care of the blind were not permitted to be discussed when this hearing was taking place. Not only that, but two other bills for the blind were referred to another committee of the House, the Committee on Education, a committee of 21 members. That committee went into elaborate hearings on the bill. I hold in my hand a printed copy of the hearings before the Committee on Education on Braille bills for the blind. There are 152

printed pages in that report of the hearings, and yet these two committees never got together and ironed out any differences or tried to bring in a bill that was fair to the Government and for the good of the blind. The Committee on Education has been absolutely ignored so far as this bill under discussion is concerned.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. CRAIL. Yes; with pleasure.

Mr. SIROVICH. Is there any difference between this Pratt bill and the bill presented to the committee, in purpose?

Mr. CRAIL. In purpose, no; because they are for the blind and for the benefit of the blind.

Mr. SIROVICH. Then what is the difference?

Mr. CRAIL. The difference is this, and it will take me a few minutes to explain it. The Government of the United States is annually appropriating $75,000 for the printing of Braille books for the blind. The money goes to the American Printing House for the Blind, an institution at Louisville, Ky., not a Government institution, a private concern, though a nonprofit corporation.

This company has been subsidized by the Government for more than 50 years, ever since 1879. The law under which this $75,000 per year goes to this American Printing House for the Blind at Louisville, Ky., expressly provides that it is for the printing of books for the instruction of the blind, and no part of that money shall be used in the purchase of real estate or in the erection or leasing of buildings, and that in the printing and distribution of books for the blind no profit will be made by this subsidized institution, and that the price put upon each article so manufactured or furnished shall only be its actual cost.

That is the law, but here is the situation: At the hearings held before the Committee on Education, which is not the committee which considered the bill which is now before the House, it was disclosed by the testimony of the president of that institution on cross-examination that that institution is making a profit on its books; that it is using the $75,000 subsidy from the Government of the United States for its overhead, for its pay rolls, for its salaries of officers, for the purchase of supplies, and then it is competing in the open market with other publishers in this country to make a profit.

Mr. THATCHER. Will the gentleman yield?

Mr. CRAIL. I yield to my friend from Kentucky.

Mr. THATCHER. Is it not a fact that the president stated they follow the provisions of the Federal law scrupulously, to the effect that no profit is put on any book or any tangible apparatus furnished to the blind children of the country; and that only incidental profits are made in contracts carried outside of the Government appropriation, which have nothing in the world to do with the blind children? That is the fact.

Mr. CRAIL. I will answer the question by saying that he tried to justify the profits which the institution made, but he testified that the company had made a large profit on books for blind veterans, which it printed for the Veterans' Bureau of the United States on a contract secured in open competition with printing houses which are not subsidized by the Federal Government.

Mr. THATCHER. Oh, it is perfectly clear what I have stated.

Mr. CRAIL. It is the fact in any event.

Mr. THATCHER. What I have stated is the fact.

Mr. CRAIL. Gentlemen of the committee, if the gentleman wants to argue, he should not do so on my time. I think the gentleman can get all the time he desires without taking my time, which is so limited that I will not get to say one-fourth what I would like to say. The facts are that the law does not say what my distinguished friend has just intimated, that the restriction in the law is that they shall not make a profit in the printing of books for blind children. The law provides that they shall not make any profit on the books which they print for the instruction of the blind. When the gentleman is trying to limit it to the books they make for blind children, there is no such thing as that in the law. The law is that they shall not make any profit on the books they print for the instruction of the blind.

I have in my hand a copy of the law which subsidizes the American Printing House for the Blind at Louisville, Ky. Here is the part germane to the question referred to:

(1) Purposes and method of expenditure: First, such appropriation shall be expended by the trustees of the American Printing House for the Blind each year in manufacturing and furnishing embossed books for the blind and tangible apparatus for their instruction; and the total amount of such books and apparatus so manufactured and furnished by such appropriation shall each year be distributed among all the public institutions for the education of the blind in the States and Territories of the United States and the District of Columbia, upon the requisition of the superintendent of each, duly certified by its board of trustees. The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of the said American Printing House for the Blind shall require; and each institution shall receive, in books and apparatus, that portion of the appropriation as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.

(2) Buildings: Second, no part of the appropriation shall be expended in the erection or leasing of buildings.

(3) Sales of books and apparatus at cost. Third, no profit shall be put on any books or tangible apparatus for the instruction of the blind manufactured or furnished by the trustees of said American Printing House for the Blind, located in Louisville, Ky.; and the price put upon each article so manufactured or furnished shall only be its actual cost.

I will leave it to the fairness of this body whether this company can lawfully accept this $75,000 annual subsidy, and at the same time make a profit on books printed by it for the instruction of the blind. It seems particularly obnoxious that they should take this subsidy from the Government, and then make a profit on the Government, biting the hand that feeds them.

Mr. SIROVICH. Will the gentleman yield?

Mr. CRAIL. I yield to the gentleman from New York.

Mr. SIROVICH. The report states that nearly all organizations of the blind are heartily behind this measure.

Mr. CRAIL. The blind readers are against this bill. I have in my hand a pamphlet which is an argument against this bill, prepared by a blind reader, Mr. J. Robert Atkinson, and he says that hundreds of blind readers have opposed the passage of this bill by letters signed by them, but not one is on record indorsing the Pratt-Smoot bill. He says further, and this is addressed to all Members of Congress, "Choose you this day whom you will serve, blind readers or blind leaders."

Mr. Chairman, I ask unanimous consent to insert in the RECORD as a part of my remarks this argument, "Blind Book Legislation," from which I have just quoted.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

BLIND BOOK LEGISLATION

There are now two bills pending before Congress, each designed to furnish literature to the blind through a permanent appropriation of $100,000 a year. One is purely original—the outgrowth of years of experience in furnishing literature for the blind—the other originated overnight, notwithstanding the fact that both bills were introduced on the same day.

The first, or original bill—and the one most worthy of your support—is known as H. R. 9994. It is the outgrowth of years of experience in the furnishing of books for the blind, with the aid of private philanthropy. A hearing on it was held by the House Committee on Education May 28, 1930.

The Crail bill, among other things, provides:

(1) That an appropriation of $100,000 a year be paid to the trustees of the Braille Institute of America (Inc.), Los Angeles, Calif., to be expended for the purpose of furnishing embossed books and periodicals to the blind;

(2) That the books and periodicals so printed shall be distributed free to the blind through the now existing libraries or institutions conducting free lending departments of books for the blind, and through those libraries that may hereafter be established for that purpose subject to the approval of the American Library Association in the United States and its territories;

(3) That sole authority for the selection and determining of literature to be printed shall be vested in a committee composed of librarians in charge of the aforesaid libraries, in conjunction with the American Library Association's subcommittee on books for the adult blind, which committee shall give due cognizance to the literary preferences of blind readers;

(4) That the distribution of books and periodicals supplied from this fund shall be on a basis determined by the trustees of the Braille Institute of America (Inc.) and the executive board of the American Library Association;

(5) That no profit shall be put in any books or periodicals printed or distributed by the Braille Institute of America (Inc.), and the price put upon the books or periodicals so printed or furnished shall not exceed the actual cost of production;

(6) That no part of the appropriation shall be expended in the erection or leasing of buildings or real estate;

(7) That the Secretary of the Treasury of the United States shall have the authority to withhold the appropriation whenever he shall receive satisfactory proof that the trustees of the Braille Institute of America (Inc.) are not using the appropriation for the benefit of the blind as outlined in the bill; and

(8) That the treasurer of the Braille Institute of America (Inc.), having executed a bond for the faithful discharge of his duties, shall submit annually, or whenever requested by the Secretary of the Treasury of the United States, a certified audit of the books and records of the institute.

(NOTE.—The Crail bill provides safeguards which demand both efficiency and economy in administering the appropriation.)

The second bill was introduced by Congresswoman RUTH PRATT of New York, under the sponsorship of the American Foundation for the Blind, soon after its author and sponsors learned that a bill was drafted by Congressman JOE CRAIL. A hearing on it was held March 27, 1930, by the House Library Committee, of which Mrs. RUTH PRATT is a member. Although this committee reported the bill favorably, it failed twice to come before the House through suspension of the rules. On account of these failures, Mrs. PRATT's bill was then given to Senator SMOOT for introduction into the Senate, and therefore the measure is now known as the Pratt-Smoot bill. Under this name it was hurriedly passed by the Senate, but since then it has again failed twice to receive recognition by the House under suspension of the rules process.

The Pratt-Smoot bill provides, briefly: (1) that Congress shall appropriate $100,000 annually to furnish literature for the blind; (2) that the appropriation shall be administered by the Librarian of Congress; (3) that said librarian shall have full and autocratic authority in the selection and distribution of the literature to be printed with said appropriation; and (4) that said librarian may use his discretion, also, in the establishment of other libraries in addition to those now engaged in lending books for the blind.

Commenting on the above statements, and with particular reference to those specified below, it is pointed out:

(2) That an appropriation for the literary advancement of the blind can best be determined by an institution experienced in supplying literature to the blind and devoted exclusively to that work, and that the Braille Institute of America (Inc.) meets this requirement.

It has as a background 10 years of experience in publishing literature for the blind, and it now has at its disposal a spacious plant with adequate office and printing facilities to function immediately, efficiently, and economically in manufacturing and distributing literature for the blind, while the proponents of the Pratt-Smoot bill, or the agency charged with its administration, have had absolutely no experience in publishing such literature.

(3) That any bill enacted into law, designed to supply literature for the blind will signally fail unless it functions to the satisfaction of blind readers, both in the selection and distribution of literature published. The only way to insure this result is to give blind readers a voice in the selection of the literature, as is provided for in the Crail bill, but a privilege conspicuously lacking in the Pratt-Smoot bill, which places this authority and responsibility in the hands of a single librarian. If this provision were the only objectionable feature in the Pratt-Smoot bill, it would be sufficient ground for its defeat.

The sponsors of the Crail bill not only believe that blind readers should have a voice in the selection of the literature, but also that this important responsibility should be rested with a publication committee composed of experienced librarians who have devoted years of study in serving the blind.

The folly of placing the authority of selecting the literature in the hands of one person is seen in the transcript of the hearing on the Pratt-Smoot bill by the Library Committee, March 27, 1930, when its chairman, ROBERT LUCE, expressed the opinion that the reading public would be better off if it were restricted to literature of the Victorian Age. What a calamity—if the Pratt-Smoot bill were to become a law and the present Librarian of Congress or his successor should share Mr. LUCE's opinion!

Another danger besetting the administration of the appropriation, in the Pratt-Smoot bill by the Librarian of Congress, is seen in the evidence of the aforesaid hearing on that bill, by Senator-elect Thomas A. Gore, of Oklahoma. Senator-elect Gore, in his testimony, pointed out that the present Librarian of Congress, in his report to Congress in 1910, exhibited an apparently unsympathetic attitude, by asking that the lending department of books for the blind be removed from the Library of Congress assumably on the ground that it was foreign to the functions of that Library. As a result of his recommendation, the department was moved into the Carnegie Library, subsequently to be re-installed by the Library of Congress, but not until the National Library for the Blind had been established in Washington, D. C.

Mr. John Ralls, representing the Cleveland Public Library and various blind organizations in the States of Ohio and Kentucky, also appeared at the hearing of the Pratt-Smoot bill in opposition to it, and pointed out that the Librarian of Congress was at first opposed to the bill in that it delegated him as its administrator, acceding only after "the fact was emphasized that this was a large sum which was being placed to the credit of the Library of Congress."

The Braille Institute of America (Inc.), sponsors of the Crail bill, believe that blind readers are capable of deciding for themselves the literature they wish printed and that since it is necessary to establish an agency for the purpose of selecting the literature, that agency should be composed of persons whose first interest is in the blind readers themselves and who are specialists exclusively in the field of literature for the blind.

(4) Literary service for the blind could be augmented through the establishment of perhaps four or five additional libraries located at strategical points throughout the Nation, but under no circumstances should a dollar of the appropriation sought in either bill pending, be used for this purpose, since that amount is scarcely adequate to print (on a nonprofit basis) enough literature to meet the demand and without which there is no reason for establishing more libraries to house such literature.

Hundreds of blind readers favor passage of the Crail bill, but not one is on record indorsing the Pratt-Smoot bill.

"Choose you this day whom ye will serve"—blind readers or blind leaders.

Mr. WARREN. Will the gentleman yield?

Mr. CRAIL. I yield.

Mr. WARREN. Is there anything in the bill now under consideration that would prevent the Library of Congress from contracting with any printing houses in the United States where these books are printed?

Mr. CRAIL. No. But the practical effect of the bill is to give a monopoly to the Louisville concern, because with the aid of this subsidy from the Federal Treasury it can underbid all competitors.

Mr. HALE. Will the gentleman yield?

Mr. CRAIL. I yield.

Mr. HALE. How many concerns are there in this country producing these books, and where are they located?

Mr. CRAIL. There are three major plants printing books for blind readers. Practically every State has an institution for the blind, which in turn has a little printing plant, equipped with a hand press or a foot press, where they do some Braille printing or printing for the blind; but there are three institutions equipped to print books on the scale contemplated by this bill.

I am in favor of appropriating $100,000 for printing books for the blind. I want that money appropriated, but I say this bill is vicious unless it is amended. At the proper time I am going to offer an amendment which will largely rectify the evils of the bill.

When I was interrupted I was speaking about the profit. The president of the American Printing House for the Blind testified before the Committee on Education that in one contract which it had with the Veterans' Bureau of the United States it made a profit of $30,000.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CRAIL. I yield.

Mr. SCHAFER of Wisconsin. I did most of the cross-examining during that hearing, and my cross-examination was based on the gentleman's statement indicating a $30,000 profit on the Veterans' Bureau contract. Following that completed hearing I have been unable to find anywhere in that or any other record the report of this Louisville concern where they indicated they made $30,000 on the Veterans' Bureau contract. The cross-examination was very rapid, and it may have been that the words were put into the witness's mouth and he did not deny them, but he also did not affirm them. I went through that complete hearing five times since they were closed.

Mr. CRAIL. If the gentleman will turn to page 23 of the hearing before the Committee on Education and read the testimony of Mr. Barr, president of that institution, he could have found what he was looking for. Here is a sample. Similar admissions can be found through the testimony of Mr. Barr:

Mr. CRAIL. The $75,000 annual appropriation is used in the purchase of equipment, machinery, type, paper, and all supplies?

Mr. BARR. Exactly.

Mr. CRAIL. And pay roll. I am asking you why you say there is no profit. Is it not true that your last annual report says that you made a profit of $30,000 on a contract which you had with the United States Veterans' Bureau, and that you used that $30,000 for putting a third story on the building of your factory?

Mr. BARR. We did make a profit, but it was under competititve bidding, and that all inured ultimately to the benefit of making at a lower cost the books which we distributed to these various States for the student blind of those States.

Mr. CRAIL. In other words, you justify the means by the results obtained in using Government money to maintain a monopoly.

Mr. BARR. That bid was made for the benefit of the Government and the Government got the benefit of it, and if we had not been in position to have made the work for the Veterans' Bureau at a lower or better price, the Government, on the other hand, would have had to have paid a larger sum of money.

Mr. SCHAFER. Do you mean to tell me that an institution receiving an appropriation from the Federal Treasury, with no agency of the Federal Government having any control in the administration, on a competitive bidding made a profit on the Veterans' Bureau, Government work for the blind, disabled veterans, of $30,000, and then repeatedly this morning tell us that you are not a profit-sharing institution?

Mr. CRAIL. That is just one item.

Mr. BARR. It all goes back for the benefit of the blind, exactly; there is no distribution of funds. There is no profit sharing in this institution.

Whether the profit was $30,000, as asked of and not denied by, the president of the company, or whether it was approximately $28,000, as some claimed that the annual report of the company for the year 1926 indicated, or whether it was only $14,000, which the third story of the building cost which was built out of the profits, makes little difference. The company does make profits. The printed annual report of the Printing House for the Blind at Louisville, Ky., for the year 1926 is in the Library of Congress, and anybody can get it. In that report it is stated plainly that they made a substantial profit and with that profit they built a third story on the building of the American Printing House for the Blind.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CRAIL. I yield for a question.

Mr. SCHAFER of Wisconsin. I chased down that statement of the gentleman from California, and I went through this entire report of the Louisville Printing House for 1926, and I can not find, directly or indirectly, any statement indicating that a profit of $30,000 or $20,000 was made on the Veterans' Bureau contract. I want to be fair with these blind people and with this blind legislation. I will very frankly state that I was led off the trail, as was the Committee on Education, with a statement which I have not been able to substantiate.

Mr. CRAIL. But the gentleman will admit that I am not responsible for his inability to find something which is in black on white and which the gentleman says he had before him. [Laughter.]

Mr. SCHAFER of Wisconsin. I will state to the gentleman that the gentleman from California definitely stated at the hearings that they made a $30,000 profit out of the Veterans' Bureau contract and we took his word for it, but up to this present moment the gentleman can not indicate any evidence substantiating that statement.

Mr. CRAIL. I have just told the gentleman where he can find it. Convince the gentleman from Wisconsin against his will and he will be of the same opinion still. I have cited page 23 of the hearing before the Committee on Education.

Mr. SCHAFER of Wisconsin. Here is the report. I wish the gentleman would read it into the RECORD.

Mr. CRAIL. I will find it when my time is up and let the gentleman confound himself. If it were not for the fact that I would have to take the time of the committee to do so now, I would find it and read it into the RECORD, but I will find it before this discussion is closed. Here it is:

Turn to page 14 of the fifty-eighth report of the board of trustees of the American Printing House for the Blind, Louisville, Ky., 1926, where the following appears:

> Second. General business beyond and outside of the printing of books for the schools in accordance with preceding paragraph; for example, blinded soldiers, the contract with the American Bible Society, and other small contracts to print books for individuals and sales to other than Government beneficiary institutions.

In reviewing the business for the past four years the transactions under paragraph 2 have greatly increased, especially during the year 1924–25, when the large contract for the War Veterans' Bureau was filled, evidencing a substantial profit.

Page 13 of the same annual report, issued by this Louisville concern, contains the following illuminating information:

> Under present conditions it is apparent to the board that in order to further the efficiency of the institution and to afford larger service to the State institutions, it will be necessary to increase the capacity of the plant. With this condition confronting us, we have entered into a contract for an additional third story to the building of the American Printing House for the Blind, and for the installment of the necessary machines and electric motors for the proper operation of the institution.
>
> The sum of this expenditure, as shown by the bids received by the architect, is approximately $14,000. The funds to meet this expenditure are fortunately on hand, due to the profits made from the sale of books exclusive of books furnished to the State institutions.

Page 8 of the same annual report indicates accumulated profits of $27,873.89 at the close of the fiscal year ending June 30, 1926, in the following:

| | | |
|---|---|---|
| Balance accounted for as follows: | | |
| Deposit in Citizens Union National Bank to credit of treasurer of American Printing House for the Blind, June 30, 1926 | | $28,014.54 |
| Less checks outstanding | | 170.65 |
| | | 27,843.89 |
| Petty cash fund | | 30.00 |
| | | 27,873.89 |

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WARREN. Mr. Chairman, I yield the gentleman five minutes.

Mr. CRAIL. I can not make much headway when I am interrupted and beleaguered by a gentleman who simply shows his ignorance of this question.

Mr. GARBER of Virginia. Will the gentleman yield for a simple question?

Mr. CRAIL. I will; yes.

Mr. GARBER of Virginia. The gentleman stated a moment ago that there were three of these institutions located in the United States. Will the gentleman tell the committee where the other two are located?

Mr. CRAIL. The best equipped one in the world is at Los Angeles, Calif., and one is in New York State. I will say that the institution at Los Angeles, run by blind people, is responsible for practically all of the advancement that has been made in America in Braille printing, both in quality and in economy, in the last 10 years. This bill would absolutely shut them out and they could not print any of these books, because, as was testified before this committee, the Government subsidy is used by the Printing House for the Blind, at Louisville, Ky., for the purpose of engaging in commercial printing and for the purpose of enabling them to underbid competitors in the printing of blind books, and that is not what the Congress of the United States should want.

Mr. THATCHER. Will the gentleman yield in the interest of fairness?

Mr. CRAIL. Can not the gentleman get his own time and present the other side of this matter? I have no objection to a question, but I do not think the gentleman should take my time by making a statement. However, I yield.

Mr. THATCHER. Is it not a fact that the American Printing House for the Blind could not buy a piece of machinery, replace anything, or pay a water bill unless they were able to make some incidental profit on outside contracts?

Mr. CRAIL. I know that the Braille Institute of America, at Los Angeles, gets no subsidy whatever, and that it pays its water bills and its light bills.

Mr. THATCHER. Is it endowed?

Mr. CRAIL. I do not think it is endowed.

Mr. THATCHER. To any extent?

Mr. CRAIL. Not to any extent, to my knowledge, but it is supported by the benefactions of generous people who are interested in the blind.

Mr. SIROVICH. And by public subscriptions?

Mr. CRAIL. Yes.

Mr. HALL of Illinois. Did that institution ever have any governmental subsidies?

Mr. CRAIL. It has never had any from the Federal Government, State, county, or city of any kind.

Now, friends, I am not making a plea at this time for the bill which was introduced by me. It is not before the House. That was thrown into this argument simply to disconcert me. I want to discuss the merits of this bill which is before us. If this subsidy is used to compete with other printing houses in the country, of course, that merely means that the Printing House for the Blind at Louisville, Ky., is going to do all of this printing, because it can underbid any printing house for the blind, regardless of the fact that it is not the best-equipped establishment, that their men are not the best skilled, that they have not modernized their printing plant and invented ways of printing on both sides of the page, which has been done in this country by J. Robert Atkinson of Los Angeles, Calif., and which has almost cut in two the price of printing books for the blind.

Mr. SIROVICH. Will the gentleman yield?

Mr. CRAIL. Yes.

Mr. SIROVICH. Since the gentleman is in favor of the principle underlying this bill what would he want to do to supplement it and make it satisfactory?

Mr. CRAIL. I would do this. If I had the time I would show you that this bill is for the benefit of the American Printing House for the Blind at Louisville.

Mr. SIROVICH. I wish the gentleman would answer my question.

Mr. CRAIL. I would provide that the printing and purchasing of books shall be by public bids and in fair competition. No concern enjoying a subsidy from the Federal Treasury would be eligible to bid. I intend to offer an amendment and under the 5-minute rule I will explain it. I am sorry I have not more time.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. WARREN. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, I shall not consume that much time, but I want to say I am very heartily in favor of this bill and shall vote for its passage. I particularly desire to say, as an Alabamian, that I am unwilling to allow this opportunity to pass without expressing the appreciation of myself and other members of our delegation for the very generous and well-deserved words of praise that have been uttered on the floor this afternoon in eulogy of the accomplishments of Helen Keller, who is a native daughter of Alabama. [Applause.]

It so happens that her father and mine were in the same brigade in the Confederate Army, that her elder brother and myself were classmates at the University of Alabama, and that I knew Miss Keller when she was a child. It has been a matter of intense gratification to all the people of our State to observe her brilliant achievements despite the handicaps under which she has labored.

I want to express to the gentlewoman from New York [Mrs. PRATT] and to the gentleman from Indiana [Mr. LUDLOW] our appreciation of the kindly things that have been said with reference to Helen Keller. [Applause.]

Mr. LUCE. Mr. Chairman, I yield two minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Chairman, as a member of the Committee on Education, I am gratified at the defense of the prestige of that committee by the gentleman from California, but the committee does not need that. It does not need the protection of Members who do not belong to the committee. If we, after the hearings, had desired to report out the bill sponsored by the gentleman from California, we were perfectly able to do so; but we concluded not to do so, because the committee is for the Pratt bill.

I want to read a telegram from an outstanding friend of the blind in the United States, Mr. Robert B. Irwin, of Montclair, N. J., in my congressional district, who is a member of the New Jersey Commission for the Blind:

MONTCLAIR, N. J., *February 26, 1931.*

Hon. FREDERICK I. LEHLBACH,
*House of Representatives:*

Understand Pratt-Smoot bill providing books for adult blind coming up for vote to-day. Strongly recommend supporting this measure. Indorsed by New Jersey Commission for Blind, American Library Association, and American Foundation for Blind. This bill keeps administration of funds in hands Librarian of Congress, who may buy books at the receiving competitive bids. Opponents of bill, headed by JOE CRAIL, of California, favor Government subsidy to private publisher in Los Angeles. Crail plan disapproved by workers for blind all over country.

ROBERT B. IRWIN,
*Member, New Jersey Commission of Blind.*

It is a disheartening thing, when since 1879 this institution in Kentucky and these public-spirited, philanthropic citizens have done this work for the benefit of the blind, to find it treated in certain quarters as a racket for people to muscle in. [Applause.]

Mr. WARREN. Mr. Chairman, I yield three minutes to the gentleman from Alabama [Mr. ALLGOOD].

Mr. ALLGOOD. Mr. Chairman, ordinarily I am against the increasing of governmental expenses, especially under existing conditions. However, I consider this one of the most humanitarian bills that has come before this session of the Congress.

In the first place, this act authorizes the Librarian of Congress to administer this fund, and it is my opinion there is no agency of our great Government whose affairs are better administered than are those of the Library of Congress.

In the second place, when a person of the outstanding character of Helen Keller comes before a committee of this Congress and testifies in behalf of this measure, I for one consider that enough evidence for me to support the measure. [Applause.]

Mr. WARREN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Chairman, there seems to be some misapprehension here. The Committee on Education, of which I am a member, has taken no formal action and is for no bill, and I believe the gentleman from New Jersey will support me in this statement.

Mr. LEHLBACH. I said the Committee on Education did not see fit to report the Crail bill.

Mr. KVALE. We have never been called into executive session to consider the testimony that was taken, and for that the chairman, I know, will be glad to take full responsibility.

As individuals, we have preferences. Mine are not pointed enough so that I feel justified in defeating at this time the legislation before us. Knowing the purpose of it, knowing the sincerity of purpose of the author, and realizing that the Library Committee has taken positive action and has put up a good fight and has been actuated by the highest motives, I still want to call the attention of the committee to the fact that there is much pertinent information that is contained in the hearings that were held by the Committee on Education.

It would have been well to have taken both sets of hearings—and I have read them both carefully—and consider together the matter that lies in both of those volumes. It seems to me it would have been well, probably, to have arrived at some compromise.

These two factions or these two groups have been in conflict all along. This has not been pleasant for the members of the committee that have been subjected to it. It has not been pleasant for those who have participated in the controversy, I know, but they are both striving toward the same end.

The author of the bill under consideration appeared before the Committee on Education and won all the members of that committee over to the belief that, certainly, she had no difference of purpose from that of the gentleman from California [Mr. CRAIL]. Yet you have these two institutions we hear about. It is not denied that the institution at

Louisville is subsidized to the extent of $75,000 a year, and neither the Committee on Education nor the gentleman from California [Mr. CRAIL] would think for a moment of retarding or impeding or destroying the work.

Yet you have a situation whereby, because of that assistance, naturally, that institution will have an advantage in any competitive bidding that is engaged in by it against other institutions for contracts for publication of these proposed books for the adult blind.

This is worthy of fair consideration.

Mr. ABERNETHY. Will the gentleman yield for a brief question?

Mr. KVALE. Yes.

Mr. ABERNETHY. Is there not enough work for both crowds?

Mr. KVALE. I am coming to that in a moment.

You are going to have a chance to vote upon an amendment which will limit the percentage of the total work under this appropriation that can go to any one institution. I hope the committee will consider and accept such an amendment. You are going to have a chance then partially to settle this dispute. I will say very frankly, however, that I have my own misgivings about it.

It so happens that you have at present two large institutions, and a third one that is almost comparable in size. Who knows but what next year there will be another, and then another and another that will ask similar consideration.

Then you have a school of thought here that thinks there should be a great many more branch libraries. Others believe that the provision in the bill regarding the extension of branch libraries does not amount to a great deal. Mr. Irwin, who has been quoted here, answered a question which I asked him in the committee after I had cited my concern about the matter, and had stated that I felt perhaps the setting up 60 or 70 or 80 branch libraries would mean that a large proportion of these books for the blind would stay on the shelves and collect dust, and he stated himself that there are about 15 now and he thinks there should be about 20.

He thinks this number will adequately cover the country, because, after all, we do permit them to mail out and to receive by mail, free of charge, these books. They are large and heavy. But if you have larger libraries, and fewer of them, obviously you will have in each a larger accumulation for the blind leaders to select from, and librarians can give more prompt consideration to requests for volumes they want.

Can we not be more dispassionate in the interest of the blind? I will say that if I had to choose between the two bills—and I get this from my own correspondence. I would be impelled to select the Crail bill as the one that the readers themselves prefer. Whether that is because they like better the books that come from the Crail Institute, I do not know. Let me say that within the last six months an invention has been patented which will very likely settle everyone of these questions about books for the blind. [Applause.]

Mr. WARREN. Mr. Chairman, I yield three minutes to the gentleman from Arkansas [Mr. GLOVER].

Mr. GLOVER. Mr. Chairman, ladies and gentlemen of the committee, I have the honor of being a member of the Committee on Education, which has considered this bill and other bills relating to this subject, and we have given careful consideration to it.

This is a matter that deserves careful consideration. I say to you that in dealing with the blind it is not a question of authorship or the pride of authorship of a bill, and anything of that kind ought to be brushed aside and we ought to deal with the question honestly and fairly for these blind people.

I am for the Pratt bill, the Senate bill now before us, which, as I understand it, is an exact copy of the House bill, which was considered by the Committee on Education and was introduced by the lady from New York [Mrs. PRATT].

I believe that this is a just measure, I believe it is fair and right; and if there be any class of people on the face of the earth to whom my sympathy goes out, it is for those who can not see the beauties of the world but who can get a little pleasure from the books and information that they can not get otherwise.

As I say, I am heartily in favor of this measure. I do not want to take more of your time because I do not think there is anyone who can justify a vote against it. I am one of those who have taken a great interest in the blind, and I hope that the bill will pass. [Applause.]

Mr. WARREN. Mr. Chairman, I yield the remainder of my time to the gentleman from Kentucky [Mr. THATCHER].

Mr. THATCHER. Mr. Chairman, and members of the committee, we are all in favor of the principle involved in this bill. I would not have taken any part in this discussion, beyond stating my interest in the measure, except for the very cruel, unjust, reckless, and, as I must consider them, wholly unjustifiable intimations made here on the floor touching the American Printing House for the Blind. This measure was not introduced for the benefit of that institution, but, alone, for the benefit of the unseeing adults of the Nation.

I want to say to you in all sincerity that if there is any institution in this country that is doing the Lord's work effectively and efficiently, it is the American Printing House for the Blind. For more than 70 years it has functioned for one purpose, and for one purpose alone, the furnishing of books and tangible apparatus for the blind at the lowest possible cost. It is the greatest printing house for the blind in the world, and it is known and esteemed in every land. It has proven its integrity and worth for three-quarters of a century. It is no experiment. It is a time-tested and fully proven institution of the highest value.

Gentlemen, talk about a subsidy. The term is a misnomer. In 1858 the State of Kentucky undertook the work of printing for the blind. They started an institution at Louisville. Kentucky was the pioneer State on the subject. Other States, because of the heavy cost of printing books for the blind children of the country, did not follow in establishing a printing plant for the blind; and the history of the country shows that no private enterprise for printing for the blind has been successful. So all the States came to Kentucky and said, "You have a plant; will you furnish us with books at cost, and allow us to contribute to your printing?" Kentucky said, "Yes; if you so desire."

Through all these years the American Printing House for the Blind has been a corporation, created under the laws of the State of Kentucky and functioning under a board of trustees. Under the act of Congress of 1879 the superintendents of all the institutions for the education of the blind are ex officio trustees of the board. Thus every State and Territory of the Nation is given, and exercises, a voice in the management of the affairs of the institution. The active, or locally resident, trustees are seven in number and are citizens of the highest business ability and integrity. They are doing a splendidly unselfish work. They serve without compensation and only as a matter of love for a great cause. There has never been authorized or issued a single share of stock. No capital stock is authorized and never has there been declared or authorized a penny of dividend or profit.

The State of Kentucky, actuated by a splendidly altruistic spirit, has invested large sums of its own treasury funds in property in this plant, for the splendid buildings to house it, and for the 6 acres of ground in the heart of Louisville which constitute its site. The whole is worth to-day more than $125,000.

Yet Kentucky has no advantage over New York or any other State in the operation of this enterprise. In 1879 the people of the country said to Congress, "Make an annual appropriation for the American Printing House for the Blind, so that this institution, which functions without profit, which operates only for beneficent purposes, can print books for the blind children of America and thus provide a better and more effective way of dealing with the subject." Thus in 1879 Congress authorized an annual appropriation of $10,000 to be utilized by the American Printing House for the Blind for the printing of books for the blind children of the Nation and the making of tangible apparatus for their

use at actual cost of production; the books and apparatus to be allocated to all the States and Territories and the District of Columbia on a pro rata basis, according to blind population in the schools of the country. That was increased later because of the growth of the need for the blind, in 1919, to $50,000, and in 1927 to $75,000. The basic act requires that no profit shall be made on any books or any tangible apparatus that goes to the blind schools, and the Secretary of the Treasury is given power in that act to withhold the appropriation if he finds any violation of the provisions of the act. So that out of Federal appropriations nothing can be expended for overhead in the way of paying insurance on the buildings, or for water, for light, for fuel, for machinery and plant equipment, and for all of those incidentals that are necessary to conduct an institution of this sort.

The way this work is conducted is this: They take the $75,000 annually and scrupulously apply it to pay for the labor and material for books and apparatus for the blind children in all the States and Territories of the Union. A separate account is kept of these appropriation funds. Then if they can get contracts from outside, either abroad or in this country, by which they can make an incidental profit, usually under competitive bids, and if they make any profit, they use that profit to replace the machinery that is worn or worthless, to take care of the light and fuel bills and all these inevitable overhead costs. The institution operates absolutely without profit so far as the blind children of the country are concerned, and the basic act applies only to the blind children of the country, and any charge or imputation that its affairs are not wisely and justly conducted is without foundation and wholly unjust. Recently there went to the city of Louisville from the Secretary of the Treasury Mr. Frank A. Birgfeld, the chief clerk of the Treasury Department, a splendidly competent man, who made an investigation into the affairs of the American Printing House for the Blind, and he made a report which is carried in the hearings on the Crail bill. In his report he testifies to the splendid conduct of the affairs of this institution, and how every penny of Government money is properly expended and accounted for. The accounts of the institution are audited under the supervision of the Treasury Department and the Comptroller General of the United States. The fiscal supervision is directly placed under the Treasury Department. Every safeguard is taken to insure proper expenditure of Federal funds.

I ask unanimous consent to revise and extend my remarks, and to place in them extracts from the hearings on the Crail bill, and also the statement of Mr. Birgfeld and certain other extracts and statements on the subject of the American Printing House for the Blind.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. THATCHER. I deny that $30,000, or as much as $20,000, was made on any Veterans' Bureau contract, and under leave I shall later include the statements of denial of trustees and officers of the institution touching this matter. That contract was awarded under competitive bid, and any profit which may have been derived therefrom consisted chiefly in the fact that the plates prepared thereunder are being used to emboss books for the blind children of America at less cost than might otherwise have been the case. Moreover, the amounts received under this contract came from general Veterans' Bureau appropriations, and no blind veteran ever had to pay a penny for any of these books thus printed. Two or three years were required to print these books. The basic act of Congress does not prohibit the making of a profit on work not performed for pupils in the blind schools of the Nation. Congress recognized the necessity for something of profit to be made on outside printing—else the institution could not function for the benefit of the blind children, as the act provides that as to them no profit can be charged. Profits on outside work can not be large, but, whatever they may have been, they have inured wholly to the benefit of the blind pupils of the entire country. In recent years the institution has twice reduced the cost of books for the blind children—25 per cent once, and again 15 per cent. This meant for them more books.

The trustees of the American Printing House for the Blind welcome examinations into the conduct of its affairs. It has a record of which to be proud.

I favor the passage of the pending bill because it will permit the furnishing of books to the adult blind in the best possible way.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. THATCHER. Mr. Speaker and colleagues, under leave given me therefor, I am extending my remarks on Senate bill 4030, and I am including as a part of same the report of Mr. F. A. Birgfeld, chief clerk of the Treasury Department, concerning the American Printing House for the Blind, together with certain other extracts and statements in the same general connection.

The so-called Crail bill (H. R. 9994) has for its purpose the authorization of an annual appropriation of $100,000 for the private concern known as the Braille Institute of America (Inc.), located in Los Angeles, Calif., and chartered in 1929, for the making and furnishing of embossed books for the blind of the country.

In the hearings on that measure before the House Committee on Education it appears that some of those favoring the bill assumed that in the contract which the American Printing House for the Blind some years ago had for the printing of books for blind veterans a profit of $30,000 was made. Neither the author nor any proponents of the Crail bill can produce any data or facts justifying such charge. No such profit was made; and as I have already pointed out in the discussion of Senate bill 4030, any profit which may have resulted on account of this contract was chiefly in the nature of advantages derived by the blind pupils of America in the various State and Territorial institutions for the blind, by reason of the fact that the plates made under this contract have since been, and are now, being used for the embossing of books for the benefit of these pupils. Thereby more and cheaper books are being furnished them.

Aside from this, as I have already pointed out, no blind veteran had to pay a penny for these books, which were paid for out of regular appropriations for Veterans' Bureau activities, just as hospital and other veterans' needs are paid for. Moreover, I venture to reiterate, the act of 1879—the congressional enactment under which the American Printing House for the Blind operates—only contemplates the printing and furnishing of books, and the making of apparatus, for the pupils who are in the educational institutions for the blind. Note the language of the act which sets forth the manner of distributing the books and apparatus furnished by this institution:

> The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of said American Printing House shall require; and each institution shall receive in books and apparatus that portion of the total income of said bonds held by the Secretary of the Treasury of the United States in trust for the education of the blind, as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.

These provisions, as well as the entire act itself, together with the construction placed thereon by the Treasury and accounting officials ever since its enactment, clearly show that the whole purpose of the act, and the appropriations made agreebly thereto, was to utilize these appropriations wholly for the benefit of the pupils in these institutions for the blind; and not for those who may be outside and not receiving instruction therein. If any blind veteran may be receiving instruction in any such institution he is the beneficiary of these appropriations.

It was for the reason that no Federal authorization has ever been enacted for the printing and furnishing of books for the adult blind that both the Crail and the Smoot-Pratt bills were introduced.

The "blind" referred to in the act of 1879 are clearly the blind pupils throughout the Nation who are receiving instruction in the State and Territorial institutions maintained for their benefit.

Reference is here made to my statement in regard to this whole subject, appearing in the CONGRESSIONAL RECORD of July 21, 1930, and appearing also in the printed hearings on the Crail bill already referred to, pages 132 to 152.

Our good friends, the very zealous proponents of the Crail bill, when challenged to produce the record to show a $30,000 profit on the contract for printing books for the blind soldiers of the Nation are, of course, unable to make such production. The utmost they can do is to quote the statement in the Fifty-eighth Annual Report of the American Printing House for the Blind—1926—to the effect that the business of the American Printing House for the four years next before had greatly increased, especially during the years 1924–25, when the large contract for the Veterans' Bureau was filled, "evidencing a substantial profit." The vivid imagination of the advocates of the Crail bill and its proposed beneficiary tortured this statement in such manner as to cause it to mean, to themselves at least, the exact and specific sum of $30,000. In the quotations which I shall make from the statement of Mr. A. C. Ellis, the very capable superintendent of the American Printing House for the Blind, the fallacy of such conclusion is amply indicated. Necessarily, the margin of so-called profit on work done for nonblind school agencies is comparatively small, and whatever that profit may be it wholly inures to the benefit of the blind pupils of the Nation, as in other discussions of the subject, I have sought to show.

In all its essential purposes and operations, the American Printing House for the Blind is a Federal agency, with the advantage that there has been furnished, entirely and solely for its uses, by the State of Kentucky, without charge or cost to the United States Government, the buildings, grounds, and equipment of the institution of the present value of more than $125,000. If the Federal Government were required to operate, in a direct way, a plant to do for the blind pupils of the Nation what is now being done for them by the American Printing House for the Blind, I venture the statement that the cost involved would be far in excess of the annual appropriations for the indicated purpose. Moreover, a large Federal sum would be required to build and equip the necessary plant.

The chief clerk of the Treasury Department, Mr. F. A. Birgfeld, an exceedingly competent and experienced official, last fall made a most careful and thorough investigation, at Louisville, of the accounts and operations of the American Printing House for the Blind, as the Treasury Department has fiscal supervision of the operations of the institution touching the expenditure of these annual appropriations. The trustees and friends of the American Printing House—because of what they have considered to be the grievously cruel and unjust attacks on its operations by the proponents of the Crail bill—desired that there be made an authoritative investigation of its affairs. The trustees—made up of seven active local members, and the ex officio members, the superintendents of all the educational institutions for the blind throughout the country—have ever welcomed the fullest inquiry into the management of the institution. If anything was lacking in the methods of that management, they wished to know what it was. If the Federal authorities should find, upon any such investigation, that any change of policy should be made, they were ready and anxious to have the benefit of any advice or suggestion to that effect. However, Mr. Birgfeld's report was, and is, highly commendatory of the work of the institution. After careful first-hand inquiry and survey he finds that its affairs are being splendidly conducted. Touching such investigation, the testimony given by him last November on the 1932 Treasury Department appropriation bill, before the House subcommittee, may prove of interest. The same may be found in the printed hearings, pages 28 to 32, and includes his report of the investigation. This testimony is as follows:

AMERICAN PRINTING HOUSE FOR THE BLIND

The CHAIRMAN. Here is an item for the American Printing House for the Blind, $65,000. Did you have any balance on that last year?

Mr. BIRGFELD. No, sir. That amount of $65,000, plus the following item of $10,000, being the return on the trust fund of $250,000—the Government subsidy, so called—has been used in its entirety because it represents only a part of the total expenses of the American Printing House for the Blind.

I visited Louisville, Ky., the week before last at the instance of Congressman THATCHER and Undersecretary Mills and made an investigation for several days, both as to the plant and as to their methods of procedure, their accounting, etc., and I have a report made to Undersecretary Mills that I doubt if you will want me to read now, but I should like to submit it and make it a part of the hearing.

The CHAIRMAN. It will appear in the record.

(The report referred to is as follows:)

REPORT MADE ON INVESTIGATION OF AMERICAN PRINTING HOUSE FOR THE BLIND

The following report of investigation of the American Printing House for the Blind was made at the instance of Congressman M. H. THATCHER as approved by the Undersecretary of the Treasury:

"Under dates of November 5, 6, and 7, 1930, I visited the American Printing House for the Blind, located at Louisville, Ky., and made an exhaustive examination concerning operation and management.

"The original portion of the present building was erected in 1883 on a plot of ground containing 6½ acres. The purchase and cost of the land and building was made from a fund of $40,000 which had accumulated from the State of Kentucky, and for the first time in the history of the world a supply of embossed books was assured the blind.

"Under an act approved March 3, 1879, a $250,000, 32-year, 4 per cent bond was set aside, the returns from which provided a subsidy of $10,000 annually. The Government subsidy of $10,000 annually, plus such contributions as were received from State and other sources, was insufficient for the needs of the blind, and Congress, by bill approved August 16, 1919, authorized an annual appropriation of $40,000. Again, by bill approved August 8, 1927, an additional sum of $25,000 was appropriated by Congress, making a total of $65,000, which has been appropriated each year since, plus the $10,000 subsidy, making a total of $75,000.

"It should be stated in this connection that in 1923 the State of Kentucky appropriated the sum of $25,000 for the purpose of building an addition to the original structure.

"The plant appears to be as well equipped as possible, considering the limited amount available for the repair and upkeep of present equipment or the purchase of new equipment. There is no doubt that those responsible are obtaining the greatest possible production, and that with the greatest possible economy.

"From the Government funds of $75,000 are paid practically all of the salaries and wages, as well as most of the supplies and materials going into the manufacture of books. Satisfactory working conditions in the institute attract a class of employees at a modest compensation, which would not be possible if good working conditions did not exist.

"I inspected the plant on three different occasions during my visit and have nothing but praise for the management and the manner in which the work is accomplished. Neatness, orderliness, and cleanliness were very pronounced. The employees appear to be happy and to be taking a very definite and personal interest in the task on which they are engaged. It would seem to be very clear that the greatest possible output is being accomplished by those in charge.

"There is every indication that the utmost economy is practiced from the time the materials are purchased until the completed books, etc., are delivered.

"A complete history of the American Printing House for the Blind appears in the CONGRESSIONAL RECORD, Seventy-first Congress, second session, volume 72, No. 166, where on page 13241 begins the extension of remarks of Hon. M. H. THATCHER, of Kentucky, in re subject Books for the Blind.

"A very careful examination was made of the books, records, accounts, etc., of the American Printing House for the Blind, and in addition basic principles were discussed with the public accountants who make and audit the report annually and who throughout the year are constantly in touch with the affairs of the institution.

"I found that the institution was maintaining a system of double-entry bookkeeping and a series of vouchers and accounts carrying all necessary detail and explanation. Great care is exercised by all those responsible for the management to see that purchases are made from the lowest best bidder, that materials and supplies are up to the necessary standard, and that every other thing is done in order to be of advantage to the institution and its beneficiaries.

"As a matter of fact after an exhaustive examination one marvels at the ultimate accomplishments, considering the limitation of funds.

"I have no hesitancy in saying in conclusion that I am satisfied the American Printing House for the Blind is being operated in the most economical and satisfactory manner for the good of the greatest possible number of the blind.

"Just one other word should be said about what is known as the general fund as contradistinguished from the United States Government account, for the fiscal year ended June 30, 1929.

"There was a gross expenditure of $130,114.67, or $55,114.67 over and above the amount appropriated by the Government. From the general fund are paid such items as heat, light, power, water, telephones, repairs, equipment, machinery accessories, and shipping expenses. For a plant of this size these expenses are necessarily appreciable.

"A copy of the Sixty-first Annual Report of the Board of Trustees of the American Printing House for the Blind, the same for the fiscal year 1929, is attached hereto and therefore further statement concerning annual expenditures is not deemed necessary.

"Respectfully submitted.

"F. A. BIRGFELD, *Chief Clerk.*

"NOVEMBER 17, 1930."

Mr. THATCHER. Just how did you find conditions there, Mr. Birgfeld?

Mr. BIRGFELD. I found a splendid condition of affairs. Working conditions were excellent. It occurred to me that the rates of pay were really very modest. I found employees willing to put in a little overtime whenever necessary and were happy to do it. They all seemed to be thoroughly alive to this humanitarian work. It is a very unusual situation, a little different from the employees where they are watching the clock and wanting to get home as soon as possible. They just seem to be wrapped up in the work.

Mr. THATCHER. The Comptroller General passes finally on these accounts for this institution, I understand.

Mr. BIRGFELD. Yes, sir.

Mr. THATCHER. Do you feel that the present method of supervision is sufficient from the standpoint of Federal appropriations?

Mr. BIRGFELD. Absolutely, especially in view of one fact: There has been a firm of certified accountants in Louisville who have been handling this work for a nominal consideration—again because of their interest in this work; and they not only make the audit and examination periodically as they may be called on, but they are so interested in it that they follow the thing up from time to time and from week to week, and they seem thoroughly alive and thoroughly sensed with the unusual situation and the privilege they have of contributing something toward this magnificent enterprise. The books and records were amply and well kept.

Also as a result of the insinuations and charges made by the proponents of the Crail bill, the president of the board of trustees of the American Printing House for the Blind last summer appointed a special committee to make a thorough study of the affairs and methods of the institution. This committee was made up of Thomas S. McAloney, superintendent of the Colorado School for the Blind, as chairman; Edward M. Van Cleve, principal of the New York Institute for the Education of the Blind, as secretary; and George S. Wilson, superintendent of the Indiana School for the Blind. All of these men are widely and favorably known in their work for the blind. No better committee could have been named. They made a careful study of the entire subject and found the indicated criticisms to be without justification. The following is quoted from this committee's formal report of its investigations:

A SKETCH OF THE HISTORY, PURPOSES, POLICIES, ETC., OF THE AMERICAN PRINTING HOUSE FOR THE BLIND

In 1858 a charter was granted by the Legislature of Kentucky establishing the American Printing House for the Blind at Louisville, Ky. At first it had meager support. In 1865 the State of Kentucky contributed to the printing house a sum of $5 for every blind person in the State and additional income was secured by various means from other States. The American Association of Instructors of the Blind in 1876 appointed a committee to memorialize the Congress of the United States regarding the financing of the movement to publish books for use in the schools for the blind, and in 1879 action was taken by the Congress providing $10,000 a year in perpetuity for the purpose of "aiding the education of the blind in the United States of America through the American Printing House for the Blind."

The State of Kentucky having provided the necessary funds, a site of 6½ acres on Frankfort Avenue in Louisville was purchased and a building erected thereon in 1883, which building remains the home of the printing house. A further appropriation of $25,000 was made in 1922 by the Kentucky Legislature for the erection of an addition to the building. Several years later the trustees of the printing house, out of funds accumulated through business operations not connected with its work of providing literature and apparatus for the schools for the blind in the United States, put another story upon this addition at a cost of approximately $14,350. This property is held in trust for the purposes indicated in the title and charter of the printing house by the trustees constituting the executive committee of the board hereinafter described.

For 40 years after the first congressional appropriation, through economical and efficient management of this printing house, the blind children attending schools of the country were supplied with textbooks. At first these pupils numbered 2,180; by 1919 the enrollment in the schools for the blind had grown to approximately 6,000. Realizing the inadequacy of the $10,000 annual Government contribution, the Congress in the latter year made an increased appropriation of $40,000, and this was again added to in 1927, so that the American Printing House for the Blind now receives an annual appropriation of $75,000 from the United States Government for the purpose of providing literature and apparatus for the education of the blind children of the United States.

MANAGEMENT

Management of the printing house is vested by law in a board of trustees consisting of seven persons, citizens of Louisville, and all the superintendents of the various public institutions for the education of the blind in the United States. Of these the members residing in Louisville constitute, under the by-laws, the executive committee of the board. None of the trustees receives any compensation for his services to the printing house. Meetings of the board of trustees are held annually in the city of Louisville, usually the first week of July and at other times if deemed necessary. At the annual meetings reports are received and acted upon, policies are determined, and the officers are elected. The president is chosen from among the members residing in Louisville, the vice president from among the members who are superintendents of the schools for the blind. Its character as a nationally managed and nationally useful agency is thoroughly established. A superintendent of the printing house is elected biennially by the board of trustees, and to him is intrusted the general management of the institution, under the immediate direction of the executive committee.

HOW THE PRINTING HOUSE FUNCTIONS

The main business of the printing house is the publication of textbooks and supplementary reading matter and manufacture of apparatus to be used in the schools for the blind of the United States. Books to be so published are selected by a publication committee of the board of trustees elected biennially. This consists of three members, assisted by an advisory committee of four additional trustees elected for the same term. The committee seeks from the superintendents of the schools for the blind recommendations of books needed, and after careful study selections are made. The cost of embossing in Braille on metal sheets, printing, binding, and distributing copies of any book is so great relatively as compared with ink-print publishing that exceptional care must be exercised in the choice of what books are to be produced. A music committee consisting of three trustees, also chosen biennially, is charged with selection of music to be embossed in Braille. Apparatus used in the schools and manufactured at the printing house consists of maps, charts, and some writing devices.

The elements which enter into the cost of producing books for the blind and which must be considered in connection with every publication are as follows: First, embossing and proofreading of plates from which printing is to be done; these processes must be performed with great skill and accuracy, therefore expert workers are called for. Then come printing, binding, preparing for the market, and shipping. On an edition of 100 copies, let us say, of a third reader of 150 pages, 10½ by 11 inches in size, one side printing, bound in cloth, approximate cost percentages are: Plate material, embossing, and proofreading, 26.5 per cent; paper and press work, 23.5 per cent; binding, 25.7 per cent; supervision and all other expenses, 24.3 per cent.

A choice of a publication to be embossed having been made, notice is sent to all superintendents of schools requesting that orders be sent in advance for the purpose of making a fair estimate of the size of a first edition to be printed. Bulk of books in Braille precludes the possibility of maintaining any considerable stock of any title. First editions, therefore, usually number, for example, from 100 copies of a reader used by the larger number of pupils in grade classes to 15 copies of a text for high-school use, and all the way between. After the first edition is exhausted a considerable time must elapse before a sufficient number of orders for more copies of any title can be gathered to make a reprinting possible without being excessively costly.

Each school for the blind in the United States receives in books, music, and apparatus a proportion of the Government purchase of $75,000 worth of such appliances for the education of the young blind based upon the ratio of its enrollment to the enrollment of all the schools for the blind in the United States. This ratio is computed on the first Monday in January of each year. Into the price of these purchases go only the elements of actual cost of production and no charge for plant erection or maintenance is included.

To provide beyond the housing afforded through the generosity of the State of Kentucky the necessary equipment, heat, light, janitor's service, and all other expenses incidental to carrying on its function as a publishing association not for profit, commissions to publish literature other than that needed in the schools are accepted and sales of its products are made. Through its work outside its service to the schools and to meet the requirements of the Government purchases, sufficient funds have been received by these means throughout the history of the printing house to make possible its maintenance, thus contributing to the reduction in price of every book published or piece of tangible apparatus furnished. The more this additional business of the printing house is increased the more efficient it becomes through development of expert, continued, and full-time work, the greater will be the amount of its output of every kind, and the lower will be the cost of such output. Every saving effected is put back into production. There is no profit to anyone. The character of the printing house as a purely philanthropic means of serving the blind can not be questioned.

POLICIES

As the first function of the printing house has always been to serve the best needs of blind children in securing their education,

it was from its beginning concerned with improvement of methods and increasing of facilities in its work. The trustees favored experimentation looking to greater efficiency and always more and more output at less cost, yet always maintaining that quality must receive primary consideration. As early as 1908 the printing house announced at the meeting of the American Association of Instructors of the Blind a beginning of printing on both sides of the paper, and through all the years thereafter concerned itself with this project among others in securing a better production. In 1928 a successful printing of interpointed Braille was attained in its publication of a book for the Braille Circulating Library, of Richmond, Va., and later in the year by the issuance of the magazine, the Reader's Digest. An increasing use of interpointing as its acceptability is demonstrated may be expected.

In pursuance of the policy to furnish always what the schools needed, the trustees deemed it their duty to print books in Line Type, New York Point, and American Braille as long as these types were in use. This wasteful but necessary procedure continued until 1918. Then came the adoption of so-called Revised Braille, grade 1½, as the American standard, through agreement of the educators of the blind, and since there has come to be a vast increase in the service rendered.

With larger opportunities, purchases of supplies are made to better advantage than formerly, although the policy has always been, as it is now, to purchase through competitive bidding. The staff of workers is being maintained and improved. Such workers in the nature of the case must be specially trained. To attract and hold these expert workers the policy is to make conditions at the printing house as favorable as possible. Both the accounts and the manner of conducting the financial operations of the printing house are under the close supervision of a firm of chartered public accountants, and all operations connected with the expenditures under the Government appropriation are examined and approved by the officials of the Treasury Department of the United States.

Also, I include certain pertinent extracts from a recent statement prepared by Mr. A. C. Ellis, the present superintendent of the American Printing House for the Blind, as follows:

STATEMENT OF A. C. ELLIS, SUPERINTENDENT OF THE AMERICAN PRINTING HOUSE FOR THE BLIND, JANUARY 16, 1931

In the hearing before the Committee on Education, House of Representatives, on House bill 9994, the friends of the Crail bill made certain specific and unsupported charges against the American Printing House for the Blind which should be refuted. Apparently the main bone of contention is an alleged $30,000 profit which the American Printing House for the Blind is supposed to have made on a contract for books printed for the Veterans' Bureau. It is charged that such a profit was made and used to add a third story to the present plant. There is absolutely no basis in fact for such a statement.

In 1923 Congress made an appropriation to buy books for the blinded soldiers. This appropriation was made to the United States Veterans' Bureau. Specifications were drawn, and a number of Braille printing presses were invited to submit bids. The American Printing House for the Blind submitted the lowest, best bid. A contract was drawn, and a $10,000 bond executed to guarantee faithful performance of the terms of the contract. The books were manufactured for the Veterans' Bureau under three contracts with the American Printing House for the Blind, which were awarded as follows: First contract awarded January, 1924, for 68 titles of 3,720 volumes; second contract, awarded January, 1926, for 5 titles of 690 volumes; third contract, awarded January, 1927, for 16 titles of 1,095 volumes. The total business amounted to 89 titles of 5,505 volumes. This work went through the printing house during a period of three years. One of the greatest expenses in manufacturing Braille books is the embossing of plates on brass in the Braille system. The above contracts necessitated the making of 45,588 plates, which cost the printing house $41,029.20. It must be understood that this amount includes the cost of brass, embossing labor, and proofreading. This left $13,683.08, which was spent for printing and binding 5,505 volumes of books. This amount includes the cost of paper, bindery materials, and labor necessary for printing and binding the books. The result is that the average cost of printing and binding a volume of these books, exclusive of the plate cost, is $3.31 per volume, which is almost identically the same as the average catalogue price for an average size Braille book furnished to the schools during the same period. There is nothing in the records of the American Printing House for the Blind to show that a considerable cash profit was made on this contract. The greatest benefit that came to the printing house in this connection is the fact that the plates referred to above are retained in the fireproof vaults of the American Printing House and have been used from time to time to make reprints of thousands of volumes of books which have been furnished to the schools for the use of the blind boys and girls who are being educated. This fact makes possible the printing of these books at a much lower rate to the schools than would have been possible if the printing house had not received the Veterans' Bureau contract. This is an indirect, but a very considerable benefit, for it made it possible to furnish the schools for the blind a great many more books for the $75,000 appropriation than would have been possible otherwise.

It is very significant that the Universal Braille Press submitted a higher bid than the American Printing House for the Blind on this contract. If the printing house had not been in a position to manufacture the books for the Veterans' Bureau it is certain that the Government would have received fewer books for the money spent. Ever since the Universal Braille Press failed to receive this contract its manager and owner has complained bitterly because the printing house received the business. At the hearing he made the statement that it was impossible for him to understand how the printing house could have manufactured the books for the Veterans' Bureau on the basis of bids submitted unless the printing house manufactured the books with a part of the appropriation that should have gone to the schools, and was thereby enabled to deliver the books to the Veterans' Bureau at a price lower than the actual cost of production, thereby diverting a part of the Government appropriation from the benefit of the schools to the benefit of the Veterans' Bureau. He does not make his statement in the form of a definite charge, but states it only as a personal belief. If a part of the appropriation to the schools had been used to fill this contract, it is certain that the prices of books which were furnished to the State institutions would have been higher in the amount so diverted. During the years in which the Veterans' Bureau contract was going through the printing house the price of books to the schools were reduced instead of raised. It is also significant that the schools received the full amount of the annual appropriation for school books during these years. Because of the large volume of business enjoyed by the printing house during the years 1924–1927, inclusive, catalogue prices were reduced several times. One basic discount was for 25 per cent and another for 15 per cent. The total amount of these discounts alone, on books delivered to the State institutions, amounted to $26,712.48. It is very clear that the printing house not only was able to manufacture the books for the Veterans' Bureau at a cost lower than any other printing house could have rendered this service but that during the period in which it was engaged in manufacturing these books the prices of books to the schools were also reduced as never before in the history of the institution.

Throughout the hearing the friends of the Crail bill repeatedly refer to the $30,000 profit on the Veterans' Bureau contract which was used, as they charge, to build a third story to the printing house. The officials of the American Printing House for the Blind are at a loss to know how the proponents of the Crail bill arrived at this figure. It is stated time and again in the hearing that this information is contained in the annual reports of the American Printing House for the Blind. A careful examination of the minutes and the printed reports of the printing house fail to reveal any reference to such a profit.

There is an amusing inconsistency in the arguments set forth by the friends of the Braille Institute of America. In one instance they state that an enormous profit was made on the Veterans' Bureau contract, and later on in the hearings the manager and owner of the Universal Braille Press states that the bid submitted by the American Printing House for the Blind on the Veterans' Bureau contract was so low as not to cover the actual labor and material costs of making the books, and that in order to fulfill the contract the printing house must have furnished the books at a price lower than the actual cost.

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Throughout the hearing it is charged that Mr. John W. Barr, president of the board of trustees of the American Printing House for the Blind, admitted under questioning that a $30,000 profit was made and used to buy real estate. A careful examination of his testimony fails to reveal any such statement or admission. The president merely stated that any profits realized on private contracts were utilized by the American Printing House for the Blind to provide more books for the pupil population of the schools for the blind. The charter of the American Printing House for the Blind specifically states that the board of trustees may contract to erect buildings, buy real estate, and pay the incidental expenses of operating the institution. The only specific rule laid down in the charter is that the price of the books shall be so low as to merely cover the cost of operation and the incidental expenses of the printing house. The appropriation of $75,000 for the purpose of providing school books and tangible apparatus for the students of the various public educational institutions for the blind requires that the full amount of the appropriation shall be used, without profit, for the purposes appropriated. The Government appropriations for this purpose are kept in a separate bank account and are accounted for in a most detailed manner. The expenditures out of this appropriation are examined and approved by the Treasury Department, and finally passed upon by the Comptroller General of the United States. The Treasury Department records will show that only bills for labor and material are ever approved out of the Government appropriations. By material is meant paper, plate metals, and such bindery supplies as are used in manufacturing the books. Not one cent is paid out of the Government fund for insurance, equipment, additional buildings, postage, lights, fuel, water, or other incidentals. The money received for books manufactured for private agencies, usually awarded under competitive bidding, is kept in a separate account from the Government appropriation. Both accounts are audited annually by a reputable firm of certified public accountants.

The press room on the third floor of the American Printing House for the Blind was erected at a cost of only $14,638.88 instead of $30,000, as charged by the enemies of the printing house. This money was not received directly from profits on the Veterans' Bureau contract, but resulted from an accumulation in the general account which was built up out of funds derived from the sales of books to private agencies over a period of several years.

Much argument is advanced to show that the business affairs of the American Printing House for the Blind are poorly managed. It is specifically charged that 56 cents per pound was paid for paper in 1921, whereas the manager and owner of the Universal Braille Press could buy the same paper for 28 cents per pound. The records show that 56 cents per pound has never been paid for paper in the history of the institution. In 1921 the records show that about 30 cents per pound was paid for paper, none of it costing more than 32 cents per pound. These were good prices for paper at that time, for prices had not begun to decline in 1921. The paper was bought under competitive bidding, as were other materials.

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It is also charged that the records of the printing house are inadequate and fail to show the proper disposition of funds. Reference to the report by Hon. F. A. Birgfeld, chief clerk of the Treasury Department, will show that an exhaustive investigation by him proved that the records are complete and that they are in fine condition. It is also stated that all materials are bought on competitive bids, and that there is every economy in the administration of the business affairs of the printing house.

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Much argument is advanced in favor of the blind selecting the titles that are to be embossed in Braille. Several of the witnesses at the hearing were very bitter in their condemnation of present methods of selecting their books. The American Printing House for the Blind has a publication committee made up of representative superintendents of the various schools for the blind. This publication committee selects textbooks that are to be used in the schools. Certainly no sane person could condemn this method. This publication committee has never attempted to dictate to libraries or anyone else what should be embossed in Braille. They simply consult the other superintendents and teachers in the various schools for the blind and decide upon a suitable list of books to be used for instructional purposes. Some of the witnesses seem to deplore the fact that there is little of the salacious, spicy reading that they would like to have. They seem to want unexpurgated editions of certain classics. Naturally, the teachers and superintendents charged with selecting literature to be used in the education of the blind children have steered clear of any books that are not used in the best sighted schools. Outside of selecting schoolbooks, the publication committee has no responsibility. The printing house simply prints for private agencies such books as they are willing and able to pay for.

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From the above statements, it is very clear that the publication committee of the American Printing House for the Blind is entirely representative of the schools that are served by the $75,000 appropriation for textbooks and educational materials.

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A very determined effort is made by the friends of the Universal Braille Press to show that the competition furnished by it is the sole cause of reductions in catalogue prices of books manufactured at the American Printing House for the Blind. The manager of the Universal Braille Press takes several pages to explain how his institution has forced the printing house, through competition, to lower its prices and cites as proof for his argument the fact that sweeping reductions in catalogue prices have been made since the time when he came into the field of blind printing. In 1917, about the time he started his press, a uniform system of printing, known as the Braille system, was adopted in the United States. Up until that time the American Printing House for the Blind had been forced to emboss books in two systems instead of one, which necessitated much duplication in materials and machinery, and a consequent higher price of production. With a uniform system naturally followed considerable economy. No reasonable person could claim credit for the economy thus effected. It was simply the natural result of a uniform system. Since 1921 there has been a marked decline in the market price of paper, brass, zinc, bindery materials, and other supplies that have been used in the manufacture of Braille books in this country. The prices on some of these articles have decreased more than 50 per cent. It is difficult to understand how the Universal Braille Press has had any effect on the general economic conditions of the country or how it can be claimed that institution should have credit for catalogue reductions incident to the drop in general commodity prices.

In 1917 the American Printing House for the Blind received $10,000 from the Federal Government, and furnished $11,904.04 to private individuals and agencies other than the State institutions, a total of $21,904.04. In 1930 the American Printing House received a $75,000 appropriation from the Federal Government. With the materials furnished to the schools out of the Government appropriation, together with cash sales to libraries, private agencies, and individuals, the total amount of books shipped from the printing house in 1930 amount to $126,601.79. This unusual increase in volume of business has naturally resulted in a wider distribution of overhead expenses and a greater production due to improved machinery and a higher degree of specialization that has come through a reorganization of the departments within the printing house. These basic causes have naturally resulted in cheaper catalogue prices, and no man nor can any institution in any justice claim credit for forcing the American Printing House for the Blind to reduce its prices.

Many statements are advanced by the friends of the Crail bill in attempt to show that the American Printing House for the Blind is a private institution, and as such should not receive any more consideration or recognition by the Federal Government than the Braille Institute of America. The American Printing House for the Blind was created by an act of the Kentucky Legislature, the building erected and equipment purchased by State appropriations. The present property of the American Printing House for the Blind, valued at over $135,000, is a gift to the blind boys and girls of America from the taxpayers of the State of Kentucky. No individual or corporation owns one cent of stock or has any financial investment in the property of the American Printing House for the Blind. The institution exists for only one purpose, and that is to furnish embossed literature to the blind at prices which cover the actual cost of production and the incidental expenses of operating the plant. The Federal appropriation of $75,000 is not, in fact, a subsidy but a direct appropriation to pay for books and tangible apparatus to be used by the boys and girls in the various schools for the blind throughout the United States. This appropriation is handled in a separate bank account, and every penny of it is spent to provide books for the school children on a nonprofit basis. Every penny earned from printing done for private individuals and private agencies is spent to increase the benefits to the school children.

It has been proved, throughout the world, that no institution can manufacture books and tangible apparatus for the blind and sell these materials as a commercial proposition. Several corporations have tried to make a business of this type of printing and manufacturing and have all been forced into bankruptcy. If we are to have suitable textbooks, and educational materials for the blind, the Government must pay for them by direct appropriations, which are in no sense a subsidy. This activity for the Government, for 50 years, has been an admitted attempt to aid the education of the blind. The vice president of the Braille Institute of America, the owner of the Universal Braille Press, admits in his statement that the American Printing House for the Blind is the logical institution to manufacture schoolbooks for the children for the various blind schools. A part of his statement is quoted herewith: "I have the greatest respect for those superintendents of the schools for the blind and others who have worked for the blind and I believe, as a matter of good business, that the American Printing House in Louisville, Ky., is the better equipped to print school texts, schoolbooks, and technical matter for the blind than anyone else." He makes it clear that it would be unwise to throw the appropriation for textbooks for the schools upon competitive bids.

It seems that this brings about agreement that the printing house is the logical place to manufacture textbooks. Let us turn our attention to the present method of producing books for the adult blind readers. Again it is evident that such books can not be printed and sold as a commercial business, for the blind are too poor to buy these expensive books. There are only two ways whereby a sufficient supply of Braille literature for the blind may be provided, either the Government will have to appropriate money for this purpose or private charity or philantropy will have to create an endowment sufficient to provide this much-needed Braille literature.

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Mr. Speaker, with the founders, promoters, and sponsors of the so-called Braille Institute of America and related institutions I have no quarrel beyond that occasioned by the attacks which, through an excess of zeal for their own cause, they are led to make on others. To the extent that they may aid the needs of the blind, I am sure that their entry into a very limited field of endeavor is welcomed. They complain of the American Printing House for the Blind as a competitor or rival. If any question of rivalry is involved, the reverse is true, for the American Printing House for the Blind has been successfully engaged in making books and apparatus for the blind since 1858, while the Braille Institute was only founded in recent years. Yet the American Printing House makes no complaint of rivalry or competition. Greater than either or any institution are the needs of the blind for the keys of knowledge. More books and better books and cheaper books for them is the highest consideration. To bring about this result the American Printing House came into being and through the long years has functioned.

The Smoot-Pratt bill favors no particular institution. Its sponsors wish to have furnished to the adult blind as many books as may be possible. The more cheaply these books may be made the greater will be the number of adult blind who will be served and the better will the service be. If I were privileged to amend the measure, I would perhaps include a provision for a publication committee, with some of its members immediately representative of the blind, the Librarian of Congress to act as its chairman. Experience, however, can determine whether any amendment may be necessary. The Librarian of Congress, I am sure, will seek—in his administration of the measure—the best possible

advice; and this will doubtless lead him to consult, among the blind, those most competent to give him counsel.

Mr. Speaker and Members of the House, in the discussion of this subject I have believed it appropriate to submit these further observations and to quote these additional statements. For the American Printing House for the Blind, as the Nation's agency in providing books for the blind pupils of America, Congress make its annual appropriations. It is desired therefore that Congress may have—as it is entitled to have—the facts involved in order that its Members may better understand the methods followed and the policies maintained by the institution which for three-quarters of a century has proven itself to be the earth's greatest light for those of the unseeing world.

Mr. LUCE. Mr. Chairman, it is so manifest that the House with practical unanimity desires to vote for the purpose of this bill that I shall not engage myself in a discussion of its merits, but having for some time carried back and forth between here and my office two books, I at least want such reward as may come from showing the House 1 volume out of 14 volumes required for the printing of Pickwick Papers in the Braille system. If I had had to carry all the Pickwick Papers to and fro between my office and this House, I should not have been left in condition to address you at this time. I have here also one of the three volumes of a book by Zane Grey. Imagine the size of the ordinary novel and then consider the situation of a blind person desirous of having a library of books for the blind. The shelf room alone would not permit it. If there ever was a situation calling for help by the instruments that society uses for educating its citizens, surely this is one.

Let me bring you to the crux of the situation. There has been a conflict over the financial phases of the question and much difference of opinion as to who should be allowed to print these books. I pass no criticism on what I understand to be the excellent institution spoken of by the gentleman from California [Mr. CRAIL], but it was the opinion of your Committee on the Library that no monopoly of this work should be given to any institution. Then considering all of the argument for and against, we at last concluded that the wise place in which to put the responsibility was not outside of the city of Washington, not outside of the domain of Congress itself, but that we ought to keep in our own hands the control of this expenditure and decide for ourselves how and where and why it should be made.

So we have brought in this bill which puts the responsibility upon the Librarian of Congress. Who in official relation is the Librarian of Congress? He is the agent of Congress, and he is by statute put under the control of the Committee on the Library. We ourselves, in order to settle disputes among conflicting interests, said, a plague on both your Houses, we will do it ourselves.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. SCHAFER of Wisconsin. Is it the gentleman's understanding that this $100,000 will be expended for books for the blind under competitive bidding?

Mr. LUCE. That is our expectation.

Mr. SCHAFER of Wisconsin. I am glad the gentleman has stated that, and in view of that statement I shall vote for the bill.

Mr. LUCE. And I may say that only this morning I learned that the Government Printing Office has been recently engaged in conducting experiments for printing books for the blind from plates which promise very beneficial results, and it may turn out after all that with our own instrumentality, the Government Printing Office, we can do this work more cheaply, and therefore spread the usefulness of the $100,000 more extensively than if it were done by private institutions or private charitable institutions.

But where it can be done best will be left to the determination of Congress, acting through its own committee, and acting through its own servant, the Librarian of Congress. Under those circumstances I think it is unnecessary to take further time, and that we might proceed with the reading of the bill. So I yield back the balance of my time.

The Clerk read as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, the sum of $100,000, which sum shall be expended under the direction of the Librarian of Congress to provide books for the use of the adult blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia.

Mr. CRAIL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman from California a member of the committee.

Mr. CRAIL. I am not, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HOOPER], a member of the committee.

Mr. HOOPER. Mr. Chairman, I move to strike out the last word.

I do not intend to consume the five minutes to which I would be entitled. I did not take time under general debate to speak to the bill, but I wish to say a word of commendation before it comes to a vote.

It seems to me, in the midst of a session where we have seen almost all that is sordid and mean and greedy come to the surface, this bill offers one ray of light. We have an opportunity to-day to do a really kind and fine and generous thing for people who need kindness and generosity more than any of the other citizens of our country need it.

We have the opportunity here to bring, through the medium of the Congressional Library, to the blind people throughout the country a better knowledge and a better opportunity to read the literature of to-day than they have had before. I hope the bill will pass. I know it will pass. I hope any amendment to the bill may be defeated. It should pass in the shape given it by the committee.

Mr. Chairman, in addition to what other Members have said here to-day, when Miss Helen Keller appeared before the Committee on the Library and gave her testimony relative to this bill it was the most touching thing I have ever witnessed in all my life, and something that I will carry with me in memory to the end of my days. To see this woman, deprived by nature of two of her five senses, and therefore of the gift of speech, able to come there to make a plea in behalf of the unfortunate blind people of this country was to me one of the great moments of the six years I have spent in Congress.

We also have the sanction of one institution in the United States which is above reproach, namely, the Congressional Library, one of the most splendid of all of our American institutions. This library, we may be sure, will handle the duty delegated to it, to distribute these books throughout the country, as it should be done. We may be certain that fine results will flow from the passage of this bill, which is imminent. I hope every Member here will see fit to support the bill, one of the finest and best pieces of legislation that has come through this Congress since I have been a Member. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and members of the committee, I am a member of the Committee on Education, which held extensive hearings on the so-called Crail bill. If you will read those hearings you will see that I attempted, in my humble way, to cross-examine witnesses so that we could get the full facts before the committee.

I am one of the Members of this House who believes that a Government institution should not be subsidized to the tune of $75,000 a year and be exempted from personal property, State, and Federal income taxes, and then go out in the open competitive field and compete against a private institution, which must pay its taxes and which does not have a Federal subsidy. I am just as strongly opposed to the Crail bill as I am to the subsidized Louisville Printing House for the Blind. It comes with poor grace for the proponents of the Crail bill to advocate that the Federal Gov-

ernment give $75,000 or $100,000 subsidy to a private institution and at the same time condemn the subsidy to another institution.

In the final analysis, I am in favor of having the Federal Government double or treble the appropriation for books for the blind and have the printing done by a Government agency. But we are in the closing days of the session. We must have legislation for the relief of these blind people. As a member of the Committee on Education who believes that the Crail bill is fundamentally wrong in principle, I urge the enactment of the pending bill without amendment, particularly in view of the statement of the chairman of the Committee on the Library that he understood the money that is provided in the bill will be expended under competitive bidding. If the California institution can underbid the subsidized Louisville concern, as the gentleman from California [Mr. CRAIL] has stated, they should be willing to accept this bill as it is, submit their bids, and underbid them and get all of the work. So in the closing days of Congress let us not jeopardize the passage of a bill to furnish additional books which the blind need. I hope that the pending bill will be passed without amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ALMON. Mr. Chairman, ladies and gentlemen of the committee, I am heartily in favor of this bill. I think it is our duty to administer the affairs of this great Library of Congress in the interest of all of the people and especially of the blind.

I have risen to express my very great appreciation of what has been said by the gentlewoman from New York [Mrs. PRATT], the author of the bill, by the gentleman from Indiana [Mr. LUDLOW], and others, in regard to Helen Keller. Not only Alabama but the Nation is justly proud of the achievements of that wonderful woman. I take occasion to say this because she is a native of my home town, Tuscumbia, Ala. The Keller home, where Helen was born, is just across the street from my residence. It is still owned by a member of the Keller family. There are thousands and thousands of tourists from every State in the Union who visit that place every year; and when you all come down to Muscle Shoals to see me I will show you that wonderful historic home where Helen Keller was born. [Applause.]

Mr. REED of New York. Mr. Chairman, I move to strike out the last four words. Mr. Chairman and gentlemen of the committee, it was not my intention to say a word with reference to this bill or any proposed amendments. It occurred to me, however, that as chairman of the Committee on Education the Members of the House might like to get my ideas with reference to the bill, in view of the fact that the Crail bill was before us and long and earnest hearings were held with reference to the merits of this bill.

My position is this: I am for the present bill because no service would be rendered to the blind by entering into any controversy at this time as to just what we should do. I am satisfied in my own mind, however, that the blind population of this country, especially in view of the number of soldiers who were made blind by the war, should receive more consideration than has been given to them. [Applause.] In the first place, this Congress should appropriate money, in my judgment, as soon as we convene again so that some research work may be done by the best scientists we can get, so that we may look the whole field over, the world-wide field, and see whether some new method can be devised that is simpler than the present method of preparing books for the blind. The books are now very bulky, and they are very expensive to print. I believe that with the great facilities of research now available some better method can be devised so that all of the best literature, ancient and modern, may be placed before the blind of this country. I think they are entitled to it.

You will pardon me, I am sure, if I tell just one little story in the short time I have, touching the life of one person who, it seems to me, has made a great contribution to the literature and to the spirit of America. I refer to that beautiful and angelic character, Miss Helen Keller. When Helen Keller was four years old, her mind had never been disturbed by any information from the outside world. Through instruction and by sense of touch when she was 12 years old she was ready to receive her religious instruction. She was turned over to Rev. Phillips Brooks for her religious instruction. He taught this blind girl and he told her for the first time about God, the goodness and kindness of God, and how He loved her and loved everybody. When he had finished Helen Keller said, "Doctor Brooks, I knew all of that before but I did not know His name." Helen Keller has held up to the world an optimism, a courage, and a spirit that ought to take any person with normal faculties over the roughest spots of a tempestuous life. There may be many more Helen Kellers in the world, and I feel that this great legislative body, representing the spirit of America, should spare no means in coming to the assistance and aid of the blind population of this country. I believe that in justice to the blind readers of this country this bill should pass. [Applause.]

Mr. KVALE. Mr. Chairman, I rise in opposition to the pro forma amendment, for the purpose of completing the sentence——

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. As I understand it, the rule provided for one hour of general debate and then that the bill should be read for amendment. I wish to state that after the gentleman from Minnesota has spoken I shall insist upon the rule before the House.

The CHAIRMAN. The rule is being complied with.

Mr. DYER. There is no amendment before the committee for consideration, except a pro forma amendment.

Mr. JOHNSON of Washington. If the gentleman will permit, I would like to say that there is some confusion about the program for the rest of the afternoon. The telephones are ringing continuously. Seventy-five per cent of this House wants to have an opportunity to vote on the immigration restriction bill. I am afraid a motion may be made to adjourn when we go through the next suspension, and I hope that all here will stay on the floor in sufficient numbers to prevent adjournment and to choke off all further attempts to filibuster against the immigration suspension bill.

Mr. KVALE. When the gavel fell while I was speaking last, I was in the midst of a sentence, in which I was trying to tell the membership of this House what is happening in the research into printing for the blind.

Listen to me: In the Patent Office there is a little box about that size [indicating], less than a foot in diameter, I think. That box is capable of carrying a little roll, much after the fashion of a piano player.

Instead of having these bulky volumes [indicating volumes], you have a compact little roll that goes over a prepared and patented surface, permitting the reader to read in that fashion. These developments are going forward rapidly.

I do not think any fundamental issue is involved here, except getting books to blind readers, and I appreciate the validity of the argument that any amendment at this stage of the session is going to retard, and probably endanger, the passage of the bill. For that reason I do not care particularly about the fate of this amendment. I say it frankly.

But I am going to support the Crail amendment, and I would really like to see it prevail. I think the readers want it.

I do object strenuously to the attacks upon the character and the work that Mr. Atkinson has done, however. He heads the institution in California that we have been hearing about. The gentleman from California [Mr. CRAIL] probably will not have time to tell you about him. I ask you, in fairness, to read the hearings before the Committee on Education and discover for yourselves how one man, through a God-given inspiration, and by incessant and unselfish toil, has been able to make further advancement in the progress of efficient and clear printing in work of

higher quality and in a larger field than this industry has had in the past 75 years of its existence.

I think Mr. Atkinson deserves this tribute, here and now, regardless of the fate of the amendment that might involve his printing plant.

I say it is a miserable display when he or his plant becomes the object of attack, and when his motives in this proposition are questioned or impugned. There is not a member of the Committee on Education that will dare say he did not make a splendid impression, and that we were not all convinced that he has done a wonderful work, in which he has a surprisingly solid support from blind readers spread all over this Nation. He wants only what he is convinced is for the greatest good to the greatest number of blind readers. He knows and they know what he has done for them in his plant and his organization. You will agree with me if you read these hearings I refer to.

I predict he will continue his unselfish work for blind readers regardless of the outcome of this poor controversy, and that the proponents of the present bill will be more than glad to see that he and his plant are given every fair consideration. Further than that, I dare say that he will be found to be the leader in any development along the lines I have suggested for new methods in providing blind readers with less bulky and with more convenient ways of reading, if those ways prove to be practicable. Read the hearings, then make your estimate of this man Atkinson and of the work he has done and is doing. I have only the profoundest admiration for him.

Mr. CRAIL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAIL: Page 1, line 9, after the word "Columbia," strike out the period, insert a comma and the following:

"*Provided*, That no expenditure of more than $100 of said fund shall be made excepting to the lowest bidder under fair competition; *and provided further*, That no part of said funds shall be paid to any corporation, institution, or concern which receives or enjoys directly or indirectly any subsidy from the Federal Treasury."

Mr. CRAIL. Mr. Chairman, ladies, and gentlemen, if this amendment is adopted it will make of a vicious bill a very good bill, which will provide books for the blind of this country. With this amendment the bill will have my hearty support and I would plead with you to pass the bill if the amendment is added to it, because it carries out the American conception of justice and fair play between man and man, and business.

Now, they drag in the name of Helen Keller, that grand, brave woman. To use her name is just like grabbing Old Glory and waving it above your head and shouting, "Come on, boys." Of course, Helen Keller is a wonderful woman and I am one of her greatest admirers. I would not for a minute say anything against her. I attended the hearings when she testified and I approved every word she said. She did not say a word in favor of this bill as against any other bill. No other bill was mentioned by her. She did not go into the terms or the provisions or the conditions of this bill at all. What she wanted was books for the blind. She wanted to take the blind readers out of midnight darkness, take them out of their intolerable idleness, and we all want this. With this amendment we will not only accomplish this purpose, but we will do it in an honest, fair, American way.

Gentlemen, I am earnestly hoping you will consider this bill on its merits and not merely from the standpoint of the claim that the Helen Kellers of this country need books. You will make of it a fair and a good bill if you adopt this amendment which I have offered.

Mr. WARREN. Mr. Chairman, I just want to take half a minute, in reply to what the gentleman from California has said about Miss Keller's attitude on this measure. I call the attention of the committee to her closing sentence in her testimony before the committee:

I ask you to show your gratitude to God for your sight by voting for this bill.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

I am opposed to the very adroitly drawn amendment, which, if adopted in the closing days of the session of Congress, means the death of any additional relief for the blind readers.

In my brief talk a few moments ago I neglected to indicate one additional reason that should cause Congress to approve the additional appropriation for the blind, as authorized in this bill.

The gentleman from New York [Mr. REED] has called attention to the many thousands of blind war veterans who would use these books. I agree with his position with reference to these veterans, but I want to call your attention to another class of citizens who would also read said books. Uncontradicted statistics indicate that thousands of American people have become totally blind by reason of the eighteenth amendment and sumptuary laws enacted thereunder, which have made available for consumption poisonous bootleg liquor which destroys the optic nerve and causes complete blindness. I urge in the name of all of the blind of this country, including those who I have just called to your attention, that the amendment now pending be defeated. [Applause.]

Mr. LUCE. Mr. Chairman, this amendment is so clearly unwise that I have no expectation that it will get support. Its effect would be to tie our own hands. As I pointed out, the present bill contemplates that the work shall be done by Congress, working through the Library Committee and in turn through the Library of Congress.

I am sure that the membership of the House will believe that it is unwise to pass legislation tying our own hands.

Being so confident that such will be the judgment of the House, I would at once move that all debate close on this amendment if it were not for the fact that I would shut off my good friend from New York, Mr. BOYLAN. If he desires to speak, I will yield the floor, but I give notice that after his remarks I shall move to close all debate.

Mr. BOYLAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. DYER. Mr. Chairman, I make the point of order that all debate on this amendment has expired.

Mr. BOYLAN. There has been no motion to close debate.

The CHAIRMAN. Under the rules of the House the amendment has been debated.

Mr. BOYLAN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BOYLAN. Mr. Chairman, I think it would be a mistake to pass any amendment to this splendid bill at this time. I rose particularly to call your attention to the fact that we have in the city of New York in the very district represented by the gentlewoman, Mrs. PRATT, the author of this bill, a splendid institution for the blind, known as the Lighthouse. It really is a lighthouse, because there the blind are taught not only to read but also many gainful occupations.

But more than the mere reading, more than the gainful occupations, they are taught to help themselves. They are taught to develop a new mental attitude, and that, to my mind, especially to those afflicted with blindness, is of more and greater value to them than any other possible thing. They acquire a new mental attitude, a new view of life, and I am sure there is no legislation that we can possibly pass at this session of the Congress that will redound to our greater credit than the passage of this bill, because, as you know, "Hope springs eternal in the human breast," as has been well said. If we can renew the hope in those who have been physically incapacitated, what greater good can we do?

Of course, in our little course of transit through the world we must play our little part, and if in playing that little part we make the world a little brighter place to live in, if we smooth out the rough places in the daily path, we will, indeed, have done something worth while, we will have done something creditable as representatives of the people who have sent us here. I am sure that there is no piece of legislation that has come before this Congress worthy of more careful and greater attention than this particular bill.

I think if the distinguished gentlewoman from New York [Mrs. RUTH PRATT] does nothing else during her legislative career in Congress than to pass this bill she will, at the expiration of her service, have something noble and creditable to look back upon as a memento of her period of service in this body, and we all agree with her in feeling that she has done something of substantial worth in that she has added a new ray of hope to the blind of America. If we had more legislation of this kind, it would redound to the greater credit of the Congress. [Applause.]

Mr. LUCE. Mr. Chairman, I move that all debate upon the pending section and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk concluded the reading of the bill.

The CHAIRMAN. There being no further amendments, the committee automatically will rise under the rule and report the bill back to the House.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 4030, and he reported the same back to the House without amendment.

The SPEAKER. The previous question is ordered under the rule. The question is on the third reading of the Senate bill.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

## THE TARIFF

Mr. BRUMM. Mr. Speaker, I ask unanimous consent that my colleague [Mr. ESTEP] may extend his remarks in the RECORD by inserting two articles written by Senator REED, of Pennsylvania, on the tariff.

The SPEAKER. Is there objection?

There was no objection.

Mr. ESTEP. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following articles written by Senator REED, of Pennsylvania, on the tariff:

[The Saturday Evening Post, Philadelphia, Pa., January 3, 1931]

### TARIFF TINKERING

By United States Senator DAVID A. REED

It was 11 o'clock on April 8, 1789. The blue surface of New York Harbor was dotted with sailing ships. At the docks vessels flying many flags unloaded their cargoes. Spring importations were beginning to arrive. Iron from England, tea from China, rum and molasses from Jamaica. Saddles, clothing, carriages, canes, luxuries from everywhere. Winter had passed and the roads and trails had opened to travel. Settlers were coming down for supplies, visitors to see the sights, traders to inspect new stocks. Business was brisk. The city was excited and expectant.

There was more to account for the crowds than the swelling stream of commerce. Already the metropolis, with a population of 32,000, New York had become, in addition, the temporary capital of the country. The new Constitution had been finally ratified. The creaking machinery of government was beginning to function. In February the Electoral College had chosen George Washington as President and John Adams as Vice President of the United States. After waiting a month for a quorum, the first Congress had canvassed the election and reported the results two days before. A committee was on its way to Mount Vernon with the official notification. The House of Representatives, a step ahead of the Senate, was about to hold its first legislative session. In the old City Hall, hastily remodeled for the use of the National Government, the sound of hammers rang through the corridors even as Congress met.

On that April morning 34 of the 65 Members provided for in the constitutional apportionment were in their seats as Speaker Frederick Augustus Muhlenberg called the House to order. With New York's chief justice administering the oath of office, each solemnly swore to support the Constitution. Thereupon, we are told, "the House resolved itself into a Committee of the Whole on the state of the Union, Mr. Page in the chair."

A thin, frail figure arose—"a shy, blushing little man, with a quiet, thin little voice," as one biographer describes him, "which sank to a whisper at the end of every sentence." Short of stature, unimpressive in appearance, James Madison, of Virginia, addressed the Chair.

"I take the liberty, Mr. Chairman," he said, "to introduce a subject which appears to be of the greatest magnitude; a subject, sir, which requires our first attention and our united exertions. No gentleman here can be unacquainted with the numerous claims upon our justice; nor with the impotency which prevented the late Congress of the United States from carrying into effect the dictates of gratitude and policy.

"The Union, by the establishment of a more effective Government, having recovered from the state of imbecility that heretofore prevented a performance of its duty, ought, in its first act, to revive those principles of honor and honesty that have too long lain dormant.

"The deficiency in our Treasury has been too notorious to make it necessary for me to animadvert upon that subject. Let us content ourselves with endeavoring to remedy the evil. To do this a national revenue must be obtained, but the system must be such a one that, while it secures the object of revenue, it shall not be oppressive to our constituents. Happy it is for us that such a system is within our power; for I apprehend that both of these objects may be obtained from an impost on articles imported into the United States. In pursuing this measure, I know that two points will occur for our consideration. The first respects the general regulation of commerce; which in my opinion ought to be as free as the policy of nations will admit. The second relates to revenue alone; and this is the point that I mean more particularly to bring into the view of the committee.

"Not being at present possessed of sufficient materials for elucidating these points, and our situation admitting of no delay, I shall propose such articles of regulations only as are likely to occasion the least difficulty.

"The propositions made on this subject by Congress in 1783 having received, generally, the approbation of the several States of the Union, in some form or other, seem well calculated to become the basis of the temporary system which I wish the committee to adopt. I am well aware that the changes which have taken place in many of the States, and in our public circumstances, since that period, will require, in some degree, a deviation from the duties then affixed; nevertheless, for the sake of that expedition which is necessary, in order to embrace the spring importations, I should recommend a general adherence to the plan.

"This, sir, with the addition of a clause or two on the subject of tonnage, I will now read, and, with leave, submit it to the committee, hoping it may meet their approbation, as an expedient rendered eligible by the urgent occasion there is for the speedy supplies of the Federal Treasury, and a speedy rescue of our trade from its present anarchy."

### THE PROTECTIONISTS' FIRST VICTORY

Madison's resolution called for a specific duty on rum, spirituous liquors, molasses, wines, teas, pepper, sugar, cocoa, and coffee. On all other imports it was proposed to levy a flat ad valorem duty of 5 per cent, based on their value at the time and place of importation—the first application of American valuation, so hotly debated more than a century later. Such was the beginning of tariff legislation in the United States.

As sponsored by Madison, the resolution was strictly a revenue measure. It was imperative that money be raised at once. The public purse was flat. The country was deeply in debt. In addition to its own obligations, the Federal Government had assumed those of the States. Revenue was needed to discharge the debt, pay the Army, restore the national credit, give value to an all-but-worthless currency, and to run the Government itself. The tariff was a ready answer. Six years earlier, in 1783, the Congress of the Confederation had recommended a similar schedule of duties to the 13 separate States. With modifications, these in the meantime had been approved by most of the State legislatures. Now, clothed for the first time with the power to tax, the new Congress turned naturally to the system championed by Hamilton and already seen in successful operation.

But the tariff law which passed almost three months later differed radically from that proposed by Madison. For though he clung to the hope that free trade could be restored and opposed amendments offered for the protection of struggling industries, the protectionists had their way with the measure he introduced. As signed by President Washington on July 4 and limited by its own terms to a life of seven years, it emerged as a full-fledged protective tariff, its purpose proclaimed in the preamble. The new duties were declared to be "necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures." It was hoped that the customs collections would yield $3,000,000 a year of the $8,000,000 needed. During the first and only year of its operation—for the duties were increased a year later—it did yield the sum of $2,239,746.75, with an additional $157,376.24 in duties on tonnage.

Never since then, nor, in fact, since the Revolution, has the Nation known free trade. From that day to this, in the 141 years of its history, while the country has grown from a population of 3,929,000 to its present proportions, has built up an annual foreign trade of $9,000,000,000 and has collected $20,000,000,000 in revenue from customs duties, Congress has passed 85 tariff bills imposing or changing duties on imports. The average is one every 20 months. Included in this number were 33 general revisions, each representing a complete readjustment of the existing tariff structure. These have occurred at average intervals of a little more than four years. No tariff law has ever lasted more than 12 years. The Dingley law enjoyed the longest life of any,

remaining undisturbed from 1897 to 1909. Only one other, enacted in 1846 and in force for 11 years—one of the two lowest tariffs of the last century—endured for a comparable period. At times the tariff has been revised annually or biennially, usually in time of war or during intervals of political upheaval or economic readjustment, to meet rapidly changing conditions. Revisions came in clusters during the first decade and again during the Civil War. Among its tariff enactments, in addition to the 33 general revisions, Congress has passed 52 separate laws dealing either with individual items, a limited group of miscellaneous imports, or providing for horizontal increases or reductions in the general level of duties.

A HARDY PERENNIAL OF AMERICAN POLITICS

This compilation does not take into account any legislation dealing with purely administrative problems, reciprocal agreements with other countries, or laws affecting our insular possessions or providing for embargoes, subsidies, or preferential treatment of American shipping or goods shipped in American vessels, of which there have been a considerable number, and all of which were protective in character. The list is confined to tariff acts fixing duties for the continental United States.

Thus we discover that in our own country tariff tinkering has been almost a continuous process. It has become a national habit. Like other habits of long indulgence, it will be hard to break.

As a partisan issue, the tariff is, of course, the hardiest perennial of American politics. Originating in opposite opinions with respect to protection and free trade, it has been nurtured by the necessity of finding durable materials for party platforms. At the moment, however, I am not concerned with its partisan aspects, or the merits or demerits of particular tariff laws, or in the consequences of our legislative debauch. I shall neither abuse nor defend the tariff act of 1930, about which the country has heard so much and understood so little. If it is a good tariff, we should know it in a year or two. If it is a bad tariff, that should be equally evident. In either case, unless we change our habits, it will enjoy at best a transitory existence. For if our tariff history means anything, there will be another revision by 1940, at the latest. I venture that prediction now. Notwithstanding the early promise of the new Tariff Commission and notwithstanding the prospect that a number of duties will be changed by presidential proclamation, it is reasonable to suppose that the present law will have outlived its usefulness in less than a decade.

Conditions are changing rapidly throughtout the world. The currents of trade are never constant. A world-wide drop in commodity prices, superinduced or complicated by overproduction, faulty distribution, and other factors, has occurred in recent months, leaving a wake of economic wreckage. Business, though gradually recovering its breath, has not returned to a steady stride. New forces are also at work. Old methods of business are giving way to innovations born of the competitive struggle. Big business has turned to retailing—to the distribution of its own product. Farmers are experimenting with cooperative marketing of crops. New inventions, new mechanical processes, new discoveries in the field of chemistry and physics, and the rapid replacement of men by machinery are changing the whole character of our civilization. Chain ownership of stores, theaters, utilities, banks, and newspapers has become a commonplace in the business scheme. Who can tell how far the new industrial revolution will reach, or its ultimate implications? Who can tell how long it will take for several million idle workers to become reoriented and again to find regular employment? What will happen to the small business man who has been forced from the field by chain-store competition?

Let us look abroad. Industries rehabilitated with American gold; France apparently busy, prosperous, self-contained, with the second largest gold reserve of any world power; Germany, until the recent collapse of commodity prices, an industrial beehive, her internal indebtedness wiped out by a program of currency inflation and her people unencumbered by the cost of a large army and navy, asking now for a moratorium to assist her recovery; Italy and Czochoslovakia in the midst of an industrial renaissance, their people toiling long hours at pitiable wages in a desperate effort to capture some of the world's wealth; England top heavy with taxes, searching for a solution of her own unemployment problem, trying to interest the dominions in a scheme for an economic union and turning to tariff protection at home; Russia awakening from centuries of sleep to a vision of political and economic conquest; Japan industrially efficient and constantly seeking outlets for her surplus production and population; South America restless, ambitious, and overrun with revolations; the whole world studying our success with mass production and hoping to apply the lessons learned. In addition, we know that every nation with anything to sell beyond its own borders is casting covetous eyes at the richest market of all, sustained by the vast wealth and tremendous purchasing power of the American people.

STRENGTHENED TARIFF DEFENSES

That we are entering an era of extraordinary competition is self-evident. Foreign goods and foreign workers will press with renewed vigor for entry into America. Our first concern, as always, must be the domestic market. To protect it against attack we have strengthened our tariff defenses and restricted immigration. We may cut the quotas again or stop immigration entirely. But who can foretell the trend of trade one year or two years hence? Business forecasts seldom attempt to look more than six months ahead. No one can say with certainty that American business will boom, go along at its present gait, or fall off further in the next few years.

I am impressed by the amount of business that is being done, and believe the volume will grow until we get back to normal. In time we will establish new records. But how utterly futile, with the echoes of the war still reverberating and the world in the grip of an economic and political upheaval of unprecedented proportions, to expect a tariff bill written in 1930, on the basis of competitive conditions existing a year or more ago, to meet our requirements 10 years hence!

Congress can anticipate national necessities within the limits of its capacity, but legislators are not omniscient. Nor do they always act in what is clearly the national interest. Much as we may deplore it, we all know that is true. Often they are persuaded by local sentiment or personal prejudice to take a contrary course. Yet Congress is what we make it, and the country gets what it deserves. If the tariff is not what it ought to be, we have only ourselves to blame.

FREE TRADE FOR UTOPIA

I have strayed into these byways to emphasize the fact that most tariff revisions occur because they are bound to occur. They may be forced by economic changes or by public opinion, or both.

Business is not a tideless sea, but a swift and turbulent stream. So long as we are to have a tariff at all, whether for revenue or protection, it will be necessary periodically to readjust its rates to meet changes in its volume and behavior. Tariff duties are the controls by which we regulate the flow of foreign products to our shores. As the waters rise or fall, we open or close the gates to maintain an even flow. Fixed dams are out of fashion. They no longer meet the needs of commerce.

In everything I say about the tariff I speak, of course, as a protectionist. As a Senator from Pennsylvania, that, perhaps, could be assumed. But even if I were not a Senator or a citizen of the State which from the first has fought for protection, I should be a protectionist. I believe thoroughly in protection, not as an abstract principle of government but as a practical means of encouraging domestic industry, keeping our people employed at high wages, and expanding the national wealth. In the beginning it may have been necessary to experiment with different systems. Whether necessary or not, we did so. It was a slow and at times a painful process, as the country tried tariffs of various sorts. Now, however, with our lessons at least partially learned we seem to know where we are going. With both political parties committed to the principle of protection, and the members of the minority party in the recent tariff battle disclaiming any desire to reduce the rates below the 1922 level, I think we may safely say that protection has come to stay.

As a theory free trade has in it an evangelical appeal. It presupposes a world at peace with nations living together as neighbors in Christian charity and with goods and populations moving over the face of the earth without artificial restraints. It fails to take into account such things as national rivalries, racial prejudice, immigration laws, natural or acquired monopolies of raw material, variations in wage levels and living standards, unbalanced wealth, differences in national character, and the whole range of social and economic problems inherent in nationalism and the competitive system. I will not argue with those who would change the system, but only remind them that it has been tried before.

It is quite possible that, over a period of centuries, the world would be better off under free trade. At that we can only guess. But with the world as it is, it would be suicidal to abandon the American protective-tariff system. In too many ways we already have allowed ourselves to be the doormat for Europe. To surrender all our domestic markets to them while they continue their own high tariffs against our goods would be sheer economic folly

An editorial in the Saturday Evening Post recently referred to the tariff as too technical for the average American to understand. It is true that tariff making is a technical process. To understand the tariff, however, it is not necessary to become involved in the intricacies of comparative costs, to know the price of pig iron in Philadelphia, the consumption of window glass in New York, or the imports of canned tomatoes. These are problems for the statisticians and specialists, who more and more are being relied upon to supply the materials for legislative action. For those who seek detailed information concerning any aspect of the tariff, there is a voluminous and accurate mass of material in the reports of the Tariff Commission and other Government agencies.

But for Americans generally, engaged in the never-ending struggle for existence, and, on the whole, making a better job of it than the people of any other part of the world, results are all that count. If protection protects them in their jobs, their profits, and their homes, they will fight for it. If it fails in this, it fails completely. For its only justification is in the benefits it claims to confer on the American people.

BULWARKS OF PROSPERITY

To this I would add one word of warning: Prosperity will always remain in part an unknown quantity. The tariff is only one of the pillars—I think the principal one, next to a sound currency—on which our prosperity rests. There will be business booms and business depressions, periods of inflation followed by deflation, which bear no relation to the tariff. When these storms come, no matter what their cause, the tariff is an anchor to wind-

ward. It is to be judged at any time, and in times of business recession particularly, with an eye on conditions in other countries.

The question for Americans to ask themselves is not "If protection means prosperity, why am I not prosperous?" It should be "Are we as a people more prosperous than the people of other countries?" If we are—and by every standard of judgment the answer is in the affirmative—the individual sooner or later will get his share. And lest we become too pessimistic or impatient over the failure of business to rebound as quickly as we should like to see it, let us remember that, relatively, we are infinitely better off in a material sense, enjoy more of the comforts and luxuries of life, eat far more food, and are better clothed and housed than any other people in the world. If proof is needed, we have only to look at our 25,000,000 automobiles, on which we spend $15,000,000,000 annually. I do not give the tariff entire credit for this happy state of affairs. But I do think that it and the restriction of immigration are the chief bulwarks of our high-wage level, and that this in turn is the channel through which our wealth is diffused and prosperity sustained. When recessions do occur, our recovery should be quicker for this reason, and I think we will find it so now.

At its best, a protective tariff encourages the establishment of new industries and protects those already established by giving them a reasonable competitive advantage in the home market. At its worst, it may cut off foreign trade and foster monopoly at home. The cure for monopoly, so far as it is fostered by the tariff, is to remove or lower the tariff.

WORK FOR 11,000 MEN

If the monopoly is due to popular preference, lower price, or superiority of product, as in the case of the American automobile industry, there is nothing to fear from it, nor need the industry fear the removal of tariff protection. In the recent revision we saw leading automobile manufacturers, acquiescing cheerfully in a reduction of the duty on passenger cars from 25 to 10 per cent. In the Payne-Aldrich Act of 1909 the duty on passenger automobiles was 45 per cent. The Underwood Act of 1913 reduced this to 30 per cent on cars valued at less than $2,000 and provided a duty of 45 per cent on more expensive models. When the Fordney-McCumber law was written, in 1922, the industry offered no objection to a reduction to 25 per cent on all types. In the 1930 law the 25 per cent duty was retained only on trucks. It has been evident from the first that Americans prefer American cars. It is also clear that, sustained by the wealth and buying power of the American people, the industry, producing on an enormous scale, can make and sell automobiles at a price which foreign competitors can not touch. Sure of their ability to hold the home market, our manufacturers are turning to foreign fields to sell their surplus output, and, consequently, are less concerned over tariff protection than over foreign tariffs.

As an example of what the tariff will do in enabling new industries to become established in competition with foreign monopolies, the story of the coal-tar chemical industry should be familiar to every American. In all our industrial history there is no better illustration of the value of protection. In less than 15 years we have seen the industry grow from practically nothing to one in which more than $100,000,000 has been invested, which employs more than 11,000 American workers, produces nine-tenths of our domestic dyes and exports a sizable surplus, and for the first time in our history makes us independent of Germany and all other countries in manufacturing processes and industrial equipment which, in the event of another war, could be converted overnight to the manufacture of explosives and military chemicals. There are more dye plants in the United States now than in all the rest of the world. This development could not have occurred except for the tariff.

It may interest critics of protection to know that with the establishment of the American industry the domestic prices of dyes have declined. They are lower now than before the war. Far from increasing the cost to the consumer, the net result of protection has been to reduce it. The explanation is simple: Before the war, German manufacturers enjoyed what amounted to a world-wide monopoly. They charged what they pleased and profited accordingly. All this has been changed by competition, both as between America and Germany, and among our own manufacturers. The American industry has learned how to make dyes and other coal-tar chemicals equal to any which can be imported, and is spending more money in research each year than the total investment of the domestic industry prior to the war.

Although dyes had been manufactured in the United States for many years, there were only seven manufacturers in this country when the World War began. Their total investment was less than $3,000,000. They employed 520 persons. In 1914, while we were importing 46,000,000 pounds of dyes from Germany, domestic manufacturers produced 6,619,720 pounds, valued at $2,470,096. All of these were made from imported intermediates—the intermediates being the raw materials which, themselves separated from coal tar by a simple chemical treatment, are in turn converted by complex chemical processes into dyes, drugs, perfumes, flavors, photographic chemicals, synthetic resins, and tanning materials. Nine-tenths of all our finished dyes came from abroad. By contrast, we are now producing 95 per cent of our domestic requirements by quantity and 85 per cent by value. In 1927 our production of dyes was 95,167,905 pounds, valued at $38,532,795. In 1929 we produced 111,000,000 pounds and exported one-third of our production. Before the war imported dyes cost the consumer from 44 to 53 cents a pound. The average price of all dyes sold now is 43 cents a pound. Of the low-cost bulk colors—indigo and sulphur black—we produce a large exportable surplus.

THE DUTIES ON DYES

What of the tariff during this development? For many years prior to the war, all dyes, with the exception of certain specified colors which were alternately transferred from the free list to the dutiable list and back again, with successive tariff revisions, carried a duty of 30 or 35 per cent ad valorem. Then came the war and the British blockade of Germany. Our last direct shipment of dyes from Germany reached the United States on March 19, 1915. Scattering supplies—and these were mostly German dyes—came thereafter from China, Japan, British India, and from England. Our stocks were soon exhausted. Prices soared to unprecedented levels. Many dyes were not obtainable at any price. In 1916, to encourage their manufacture in the United States, Congress passed a special act giving increased protection to dyes and other coal-tar products and intermediates. In addition to the ad valorem duty of 30 per cent provided by the Underwood Act of 1913, the new law imposed a specific duty of 5 cents a pound on dyes, with certain specified exceptions.

In October, 1917, the trading with the enemy act was passed. Four months later, on February 16, 1918, President Wilson issued a proclamation prohibiting the importation of dyes and chemicals except under license; not strictly an embargo, that was its practical effect. In February, 1919, three months after the armistice, licenses were granted for the importation of Swiss dyes not of German origin. In the fall of the same year the embargo was removed on German dyes, and they were again admitted under license. This license control was continued in the emergency tariff enacted in 1921, and remained in force until the passage of the Fordney-McCumber law in September, 1922. The latter measure provided a temporary duty on dyes, limited to two years, of 60 per cent ad valorem and 7 cents a pound, based on the American selling price of comparable domestic dyes. At the end of two years the ad valorem duty dropped automatically to 45 per cent and 7 cents a pound. There was no further revision until 1930, when the new tariff law reduced the duty on synthetic indigo and sulphur black to 3 cents a pound and 20 per cent ad valorem, without changing the remaining duties.

WHAT OF RETALIATORY TARIFFS?

There is the story of protection in a nutshell. At the close of the war the new industry, so important in time of peace and indispensable in war, faced a resumption of ruinous competition from Germany, which, incidentally, still makes more dyes than we do, with a smaller number of plants. Congress came to the rescue. The industry was saved. Not only saved but enabled to become so efficient that we are selling bulk dyes abroad in competition with Germany. Prices have come down and the tariff duty on these products has come down. The consumer is better off and the country no longer is dependent on foreign supplies. It has heeded the admonition of President Wilson, in his annual message to Congress on May 20, 1919:

"Although the United States will gladly and unhesitatingly join in the program of international disarmament, it will, nevertheless, be a policy of obvious prudence to make certain of the successful maintenance of many strong and well-equipped chemical plants."

Now, as for the fear expressed in some quarters that the 1930 tariff will result in retaliation and ruin our foreign trade. Two answers occur at once:

First. Our foreign trade not only has grown steadily for many years but has reached its greatest proportions under so-called high tariffs.

Second. If England, Canada, and other countries go in for increased tariff protection, it will be because they think it good business to do so, and not because of resentment over our tariff policy.

Tariff protection is an economic expedient to be employed when conditions seem to warrant its employment, and modified or discarded otherwise. Modern nations have prospered at different times under all systems, from free trade to high protection. England herself protected her industries until after the Napoleonic wars. Then, gradually, over a period of 50 years, she abandoned protection. Now, as pointed out in Mr. Isaac Marcosson's able article in the Saturday Evening Post of September 13, she is returning to a protective policy. In the future as in the past the world will experiment with protection and be guided by results. It is hardly conceivable that our foreign trade will suffer, for the fundamental reason that the American market is the richest in the world, and it is more to the advantage of competing nations to sell their goods in this country than it is to our advantage to sell our goods in theirs. Moreover, we are less dependent than they on foreign trade, and except for France, are more nearly self-contained. Under the circumstances, retaliation for its own sake would defeat itself by hurting others more than it could possibly hurt us.

A final word about the tariff act of 1930. It is not perfect. But it is too much to expect perfection. Tariff bills are always a patchwork. Like its predecessors, it bears the scars of the historic conflict between the agrarian South and West and the industrial East. In the present stage of our development that can hardly be avoided. Until all of us see the problem similarly and learn to act as Americans and not as sectionalists it is inevitable that tariff laws will be conceived in controversy and born in bitterness. The new law is not necessarily the best we are capable of producing under present conditions. It represents the customary compromise between extremes of opinion both as to the general value of protection and the particular merit of individual items and groups.

THE WISDOM OF COMPROMISE

If I were writing it, I should do it differently. I cheerfully grant those who disagree with me the same right of dissent. But I saw no immediate prospect that a better bill could be written on the eve of a national election, or with Congress constituted as it is. I thought it quite possible, even probable, that another attempt at revision would produce results even less acceptable. It was clear that if this bill were to fail, the clamor for revision would continue. That would mean going through it all again—the same arguments, the same speeches, the same facts, the same tedious and painful processes, to a somewhat similar conclusion. In the end the law would entirely please no one, violently displease many, and cost the country more than it would be worth.

To have defeated the Hawley-Smoot bill would have kept the country in suspense for two years more. Business could not stand the uncertainty. It had stood all of us it could stand. And I doubt whether some of those who took a leading part in the revision of 1930 could have stood the physical strain of another, right on its heels. I voted for the bill, not because I liked it but because it seemed to me the best of the alternatives offered. On the whole, I believe it will be helpful. In any event, it is a closed incident. If we are wise, we shall not attempt another revision for several years.

There are many reasons why the tariff can not be taken out of politics. Among them are: The Constitution of the United States; the Congress of the United States; the Supreme Court of the United States; the President of the United States; the people of the United States. One might go on and speak of the business interests of the United States, the workers of the United States, and such things as sectional jealousies, occupational rivalries, economic conflicts, local necessities, political habit, political tradition and the innumerable by-products of our political system. I shall get to these later. They are, after all, subordinate to the general grouping, and come under the head of "the people." And it is the American people, ultimately, who have kept the tariff in politics for more than a hundred years through the operation of public opinion.

As the sovereign authority in a democratic political system, the people, or public opinion, or the collective will of the majority—call it what we may—can do about as it pleases with governments, governmental forms, and governmental policies. Constitutions, courts, presidents, legislators, and laws are subject to its sway. From this it might be reasoned that if the tariff remains in politics we have ourselves to blame. But digging deeper still, we shall find beneath it all the fundamentals of all we know of human competition. In the end the tariff comes down to a struggle for advantage, even for existence, national, sectional, or individual. And that can not be changed.

In saying this I am aware that many Americans have hoped that the tariff could be taken out of politics. I sympathize with that viewpoint. I wish that it could. When I say it can not I mean under the conditions with which we are familiar at present. By changing our Constitution and our habits and eliminating selfishness from human nature, it might be done. Yet, looking at things as they are, I must reach a contrary conclusion. To some extent we can, if we choose, take politics out of the tariff. But it is too much to expect that the tariff can be taken out of politics. In the present article I propose to show why.

Let us begin with General Hancock. It was Gen. Winfield Scott Hancock, born in Montgomery County, Pa., who remarked in an interview that "the tariff question is a local question." That half truth, twisted into "the tariff is a local issue," probably cost him the Presidency of the United States. At the time, in October, 1880, he was the Democratic candidate for President. His opponents instantly capitalized the remark to his disadvantage. General Garfield defeated him in the ensuing election by the small popular plurality of 9,464 votes.

What General Hancock said was true as far as it went. The trouble was that he stopped halfway. The whole truth is that the tariff is both a local issue and a national issue. It is a mosaic of local issues, the sum of which makes the pattern of our national tariff policy. More explicity, we have a protective tariff because a majority of Americans believe in protection and, believing it in, are able, through their Representatives in Congress, to agree on a series of tariff schedules whose rates provide protection for innumerable local industries and local interests, as well as for those industries and interests which are more nearly national in character. Always in a tariff revision there are groups which, seeking their own advantage, lose sight of the larger interest of the Nation and fight with all the weapons at their command for a purely parochial viewpoint. When that happens, one side or the other suffers disappointment and defeat, or they compromise their differences and each side takes half a loaf rather than none.

What General Hancock did not see is that the tariff is first of all a national question. If we are to protect our industries, our farmers, and our labor against foreign competition, protection will have to be adopted and applied nationally. In so applying it, local interests which need protection will naturally come under the protective mantle.

If we were to go on a free-trade basis—something we have never done—obviously there would be no protection for anyone. In that sense the local and national interests are inseparable. One trouble with our tariff tinkering is that we too often allow local influences to blind us to the larger needs of the Nation as a whole. We see only what is before our noses. Considering political exigencies, this at times can hardly be helped. For Congress, it must be remembered, is likewise a mosaic of many minds and many viewpoints, characteristic of the country, and at no time serves a single master but responds to the lash of many whips.

To understand the tariff as we know it in the United States we must trace it to its source. And doing so, we come finally to the Constitution, and discover that the right to levy duties on imports is vested exclusively in Congress. In article 1, section 8, clause 1, we find this language: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States." In clause 3, of the same section, Congress is given the power "to regulate commerce with foreign nations." Section 10 of the same article denies to the States, which formerly collected customs duties for their own account, the right to do so thereafter except under the control of Congress and "except what may be absolutely necessary for executing its inspection laws." Duties so collected would be transferred to the Federal Treasury. As Congress has concentrated all authority over the collection of customs in the Federal Government its jurisdiction is absolute.

From that point it is as easy to follow the development of America's tariff policy as it is the development of the country. In the beginning it was not necessary to protect American agriculture against foreign competition. America had the cheapest and most productive lands in the world. The South, in addition, produced its crops with slave labor. After the Revolution we imported molasses, coffee, tea, sugar, cocoa, cheese, salt, pickled and dried fish, and some salted provisions, but little else in the way of foodstuffs. For export we produced a surplus of tobacco, wool, and cotton, and were finding foreign markets for American lumber. Generally speaking, American agriculture has always been on an export basis. It was then, and has remained on an export basis since in such staples as wheat, corn, cotton, packing-house products, and exportable crops generally. In other farm products we are practically self-sustaining. Only rarely do we import in any volume foodstuffs which we are capable of producing at home in sufficient quantity to supply the domestic demand.

It was further apparent in the South, prior to the Civil War, that the mechanic arts could not develop in a slave-holding district. In the North, on the other hand, with free labor, a more rigorous climate and less fruitful soil, the population turned naturally to other forms of industry. New England bought the cotton of the South, wove it into textiles, and supplied the South with cotton cloth. As the wool and metals industries developed and manufacturers sprang up under the encouragement of a growing domestic demand and the moderate protection provided in earlier tariff acts, the North came in time to look upon the tariff first as a means to an end—the development of an industrial civilization in the United States—and later as the best safeguard of the industries so developed. As American wages advanced—and real wages as well as dollar wages have always been higher in the United States than in older countries—and labor acquired a larger share in the profits of industry, the worker joined with the employer in demanding that the protective system be continued and strengthened. This sentiment spread slowly as industry expanded westward.

For a time in the early part of the past century the South also favored protection. Gradually, however, a different philosophy developed, rooted in the free-trade tradition and strengthened by the knowledge that industry as the North knew it could not flourish in the slave States. First of all, there was no satisfactory labor supply. Except for the negroes, the South was thinly populated. Much of the land was held, after the English manner, in large estates or plantations. It was also thought for many years that the climate of the South would not permit the physical exertion required in industry—a fallacy since disproved. It was natural under the circumstances that the South should return to its early ideal of a simple agricultural State, selling its surplus abroad and receiving in exchange the manufactures of England and France. It had no need of protection for its own products, and its resentment against the tariff grew as the North flourished and forged ahead under the ægis of an economic system which, in the opinion of the Southern States, was one-sided in its benefits and simply increased the cost of living to Southern people. It was not then realized that the North was the South's best customer, and that whatever contributed to the prosperity of the Northern States would benefit the South by increasing the demand for its products.

The conception of an interlocking, interdependent, self-contained civilization, able to supply most of its own requirements, whether of food or clothing, raw materials or manufactures, in which the prosperity of the parts means the prosperity of the whole, was a later development. Although elemental in economics and the fundamental basis of free-trade doctrine, a few Americans continue to look abroad for its realization. They fail to perceive that we have built just such a civilization at home. Free trade among our own people, in a geographic area equal to the whole of Europe outside of Russia, and a slice of Russia besides, has been an important factor in building it. But there is this to be remembered by our free-trade doctrinaires: In the United States we not only have managed to maintain an approximate uniformity of wages and working conditions, the natural product of free trade, but have maintained them on a higher level by far than may be found in any other country in the world. I do not think we want to sacrifice it on the altar of a theory. Even if we knew the free-trade theory to be sound in international application, we would hardly plunge the present generation into misery that a future generation might prosper. There will be time enough to consider a change in our tariff policy when other nations meet our standards.

AN ISSUE EVER PRESENT

Thus with the North and South moving in opposite directions economically, it was inevitable that they should do so politically. And so for a hundred years we have had a protectionist preponderance in the North and a free-trade or revenue-tariff preponderance in the South, with variations and exceptions in both sections at different times. As industry invades the South and West and we try to think in national terms, the protective principle gains. Such has been our history from the beginning.

Political parties have praised and denounced the policy of protection. Political platforms have pointed to it with pride and viewed it with alarm. Within our own memory opponents have gone so far as to declare it unconstitutional to levy customs duties for purposes of protection—an obviously unsound position. It has been said that the tariff has never been the principal issue in a presidential contest. Technically that may be true. Yet it is and will remain one of the most important issues around which presidential and congressional campaigns revolve.

For our Government is really representative. Right or wrong, from our own viewpoint it represents us as a people more closely than we imagine. On an issue like the tariff the President necessarily expresses the will of the majority so far as he is able to do so. Similarly, the Congressman who fails to think as his constituents think or act as they want him to act does not as a rule remain in public life. With Americans in different parts of the country thinking differently on many things, it is as impossible to take the tariff out of politics as it is to make a Nebraska progressive out of a Wall Street financier. There may come a time when we shall all think alike about the tariff. It will not be this year, or next, or before the next elections.

WHO IS NONPARTISAN?

But why not turn it over to a nonpartisan, scientific commission of tariff experts?

Although there are several answers, they all boil down to one: It can't be done. In the first place, there are limits to the power of Congress to delegate to another branch or agency of Government the functions vested in it by the Constitution. It may lay down the rule and leave its application to others, but it can not avoid the responsibility for fixing the country's tariff policy.

Again, there is no such thing as a "nonpartisan commission," nor can there be while its members are appointed by a partisan President and confirmed by a partisan Senate, nor while those appointed possess partisan views on such subjects as protection and free trade.

Let us suppose that a scientific commission could be named. A scientific commission presumably would be a commission of economists. And it is the conflicting views of economists which have done more than anything else to keep the world stirred up over the relative merits of protection and free trade. Most economists, dealing in theory as they do, are free traders. So that would not "take the tariff out of politics," but push it further in. Whether called experts, economists, or merely a nonpartisan commission, any tariff commission organized on that basis would have to do one of two things—take orders from Congress in fixing the tariff policy, which would involve a surrender of its scientific, nonpartisan character, or defy Congress and the Constitution and go its own way, either with or without the approval of the President as the appointing power. Thus there is no solution there. That much is certain.

"But suppose the President could find such a commission, and suppose Congress approved of it, and suppose the commission and Congress were in accord as to the policy to be followed in fixing tariff duties?"

I can answer best by asking these further questions: How much of Congress would be in agreement with the commission? And what would the rest of Congress be doing—sitting idly by and saying nothing, or viewing with alarm and trying to abolish the commission? And what of the country at large? Is it conceivable that Nebraska and Wall Street will sit down at the same tariff table? Is it even conceivable that all Nebraskans will think alike on the tariff, or all Wall Street financiers? It has been my observation that there is as wide a difference of viewpoint on the tariff in Wall Street as between Eastern manufacturers who want protection and Western farmers who do not. And I know that all Nebraskans do not agree. There is, in short, no such thing as a general acceptance by the whole country of any viewpoint with respect to the tariff. It is clear enough that a majority of Americans are protectionists. I think it is a big majority. But at that point opinions began to diverge, and we have high protectionists, low protectionists, protectionists for agriculture only, and protectionists for industry only, all thoroughly honest and all equally convinced that those who disagree with them are wrong.

Is it possible that these differences, based on tradition and prejudice and distrust, or on different lines of reasoning, will suddenly subside, and that the country as a whole will accept a tariff written by experts? I think not. Not while every section and every group interest wants a high tariff on its own products and little or none on the products of other sections or other groups. It may be that in writing our tariffs we are approaching a you-scratch-my-back-and-I'll-scratch-yours philosophy. But there is plenty of evidence that a good many American producers still want their own backs scratched without being willing to scratch that of the other fellow. That's where the rub comes in.

Suppose that the President were to find a scientific, nonpartisan commission and appoint it. What would prevent his opponent, in the next presidential campaign, from appealing to every dissatisfied element in the country—everyone who thought the tariff too high or too low, or too high or low on some things and too low or high on others, or that there should not be a tariff at all? It has happened so often in the past that it could be anticipated as surely as night follows day. It is the best—or worst—thing our politicians do. It is the way the outs get in and the ins get out. It has been a favorite brand of politics since men first began to experiment with democratic institutions, and will remain the recourse of politicians as long as the world knows popular rule.

THE TARIFF COMMISSION'S POWERS

In presidential campaigns the tariff can be made an issue as long as there are Americans who think it ought to be changed. In congressional campaigns it will remain an issue in every district where sentiment is divided on the tariff. When the question reaches Congress itself, Congress simply carries on the battle in conformity with the will of the voters.

There remains the Supreme Court, in considering the development of our tariff policy. For the Supreme Court construes the Constitution, and it is for the court, in conjunction with Congress, to say how far Congress may go in delegating its duty-fixing powers to other agencies of Government. As a matter of fact, this never has been definitely determined. In the tariff act of 1922, Congress for the first time conferred on the Tariff Commission, which has been in existence in substantially its present form since 1916, the power to conduct investigations for the purpose of ascertaining differences in production costs of similar commodities at home and abroad, for the information of the President. The same act conferred upon the President the power to increase or decrease any tariff duty, within limits of 50 per cent either way, when necessary to equalize competitive conditions. The Supreme Court has held that this was constitutional, in that it was not a delegation of legislative authority but a use of the Executive authority to carry out the intent of Congress in conformity with a clearly defined principle. This decision, upholding the so-called flexible provision of the 1922 act, offers a wide field of speculation as to how far Congress may go in the same general direction.

The tariff act of 1930 further enlarged the authority of the Tariff Commission by empowering it to specify the required changes in existing tariff duties under the same rule and within the same limits, and report these to the President, instead of leaving it to the President to apply the facts received from the commission and say what changes were needed to equalize competitive conditions. The President, however, alone is given the power as under the old law to proclaim the changes found by the commission to be necessary, thus making them effective. If he disapproves them the duties remain as before.

THE PROTECTIVE PRINCIPLE

This effort on the part of Congress to find a solution for the problem of changing tariff duties to meet changing conditions without further legislative action, thus lengthening the intervals between tariff revisions, is to my mind the most significant step yet taken in that direction. It represents an honest attempt to take the tariff out of politics. If it could be taken out it would be by an extension of this principle. It would necessarily have to be supported by public opinion—not negatively or apathetically, but with sufficient vigor to convince both political parties that the country prefers this method of revision to the log-rolling tactics and patchwork product of other days. As yet, however, I am not satisfied that this represents a real solution. Nor does the delegation of power to the President to carry out a rule of tariff making laid down by Congress hold out a hope in itself that politics can be eliminated from tariff revisions, whether initiated by Congress or by the executive branch of the Government.

Whatever hope there is burns dimly, and lies in the complete conversion of the public to a wholly new conception of the tariff as an economic expedient to be employed when necessary for the protection of American producers against low-cost foreign competition. We should have to forget our inherited or acquired prejudices in favor of prohibitive tariffs, free trade, and the various arithmetical or philosophical gradations to be found between these two extremes. That will take time. The institutions of government are of gradual growth. Our tariff policy, such as it is—and except for our general adherence to the protective principle, it can not be said that we have a permanent policy—has required a century and a half for its development. It is hardly to be expected that we shall accept a new principle, still in the experimental stage, without submitting it to the test of experience. And even if it should prove practical, it would not end the conflict between rival schools of thought on the essential issue of protection.

The tariff-commission idea was not mentioned in the political platforms of 1884, and it was not until many years later, during the Roosevelt era, that the discussion of a nonpartisan, scientific commission began to be taken seriously. From then on the proposal grew in favor. In 1916 the present commission came into existence as an advisory body with fact-finding powers, but without the additional authority conferred by the acts of 1922 and 1930. In its present character it maintains headquarters in Washington, offices in New York, and a European office at Brussels, Belgium, and has become one of the most important fact-finding agencies functioning under the Federal Government.

Next to the gathering of facts for the information of Congress and the President—and I have never seen a more workmanlike statistical compilation than the Summary of Tariff Information submitted to Congress in connection with the recent revision—its chief function under the law is that of ascertaining and reporting differences in production costs in the United States and foreign countries, under the authority of the flexible pro-

visions of the tariff law. This may be done in response to a resolution of Congress, at the request of the President, on its own motion, or upon application by any party at interest

It was in a test case brought under the act of 1922 that the Supreme Court, in April, 1928, upheld the constitutionality of the flexible provision. The opinion was delivered by Chief Justice William Howard Taft, who had been a protectionist President. No dissenting opinions were reported.

THE DANGER OF UNCERTAINTY

It is perfectly possible under the broad language of this opinion for Congress to give the Tariff Commission a jurisdiction over customs duties equal to that exercised over railroad rates by the Interstate Commerce Commission. I do not think it will do so for many years, if at all. Yet the experiment points in that direction, and I am not at all sure that some Congress of the future will not throw up its hands, and rather than go through a tariff revision such as those to which we have become accustomed in recent years, turn over to a tariff commission organized as a quasi judicial body the entire task of adjusting tariff duties. That can never happen, however, until the country and Congress find themselves able to agree on some permanent principle of tariff making. Whether we adopt protection as a principle, cost of production as a guide, and competitive equality as a goal, or whether we find some satisfactory substitute for what seems now the most reasonable rule for the adjustment of duties, we must proceed from a fixed point of some sort and lay down definite rules for applying whatever principle we adopt.

I should like to think of the tariff as an economic and not a political instrument, to be left in the hands of capable men, under general instructions to use it to equalize competitive conditions as between America and foreign producers offering their wares in American markets. Such a tariff commission, approaching its responsibilities in a judicial spirit and guided in its decisions by dependable information gathered by its own specialists, would be of great assistance in dealing with a difficult problem. But even then there would be the danger of keeping the country in a state of uncertainty—the one thing business can not stand. As between that evil and the evil of periodic revisions by Congress, coming 8 or 10 years apart, or possibly at longer intervals, I should prefer the latter.

Finally we come to the mechanics of tariff making, as modern tariffs are made. I wonder how many persons realize how much of a task it is to revise the tariff—the serious study, hard work, and downright drudgery that go into it?

THE MECHANICS OF TARIFF REVISION

What happens when the tariff is about to be revised? Long before the bill is reported to either branch of Congress, as a rule, the Ways and Means Committee of the House and the Finance Committee of the Senate have begun their work. And long before that the Tariff Commission has brought its statistical information down to date, made a specialized study of competitive conditions in hundreds of different industries producing thousands of different commodities, and prepared for the submission of these data to Congress in condensed and quickly accessible form. The Summary of Tariff Information, on which many of the rates in the 1930 law are based, required almost a year for its compilation. Subsequently there were three revisions. And much of the material was already at hand, needing only to be freshened. With the index, the summary contains 2,753 pages. The Tariff Commission staff started work on it on May 4, 1928. It was finished between January 7 and March 11 of the following year, and delivered to Congress in sections. The hearings held by the Ways and Means Committee began on January 7, 1929, and ended February 27, lasting 43 days and 5 nights. About 1,100 witnesses were heard and 11,000 pages of testimony taken. In the Senate, hearings were begun by the Finance Committee on June 14 and ended July 18. Several hundred more witnesses were heard and 8,600 pages of additional testimony taken. The printing bill for the 1930 revision was a little more than $500,000.

The country need not be reminded how long the debate dragged out, nor of the weeks required to reach an agreement in conference on points in dispute between the Senate and the House. It is sufficient to recall that the law was signed by President Hoover on June 17, 1930, at 12.59 p. m., and that the new duties became effective from that moment, more than two years after the Tariff Commission began to assemble the basic material for the revision, and 17 months after the House began its hearings. And that was better time than was made in the revision culminating in the act of 1922.

In the tariff act of 1930, 3,218 dutiable commodities are designated by name, an increase of 378 over the dutiable list in the 1922 law. In the free list appear the names of 694 articles which may come in without the payment of any duty, representing an increase of 70 over 1922. Altogether there are 517 paragraphs dealing with duties in the 194 pages of the new law, excluding an extensive index. There are 295 separate sections in the administrative provisions, which account for half of its text. These alone required weeks of study and consumed several additional weeks of debate, dealing as they do with a multiplicity of problems quite as important and frequently more technical than those involved in the fixing of duties. And the 3,912 articles named in the law are only a start, for many thousands of others are caught in the so-called basket clauses of the law, by the use of the language "all other machinery" or "all other jewelry" not otherwise specified.

Everything in the world comes to the ports of the United States for entry into consumption, and all of it can be found somewhere in the tariff law by specific or general reference. It is estimated that not less than 25,000 different articles pay a duty at ports of entry, although only one-eighth of this number are named. The basket clauses catch the rest.

In writing the law Congress had the assistance of legislative drafting experts of the House and Senate; of the Attorney General's office, which worked with the legislative counsel continuously, calling attention to decisions and suggesting clarifications; of 40 or 50 experts from the Tariff Commission, whose technical knowledge was invaluable; and of customs officials and Treasury specialists concerned with the administration of the law.

Although the tariff lobby was large and active, I saw little of it. But I know that it was on hand, arranging or attending hearings, interviewing Members of Congress, gathering information, following the progress of the bill, and trying in various ways to influence the action of the committees or of the two Houses of Congress in their own or their clients' interests.

YOU CAN'T SATISFY EVERYBODY

Several thousand letters appealing for assistance or seeking information regarding the tariff reached my office in the course of the revision. Other Senators were similarly deluged, though as a rule less heavily. I have no way of estimating the number of callers who passed in and out of my own office. They came in a steady stream for months, beginning before the bill reached the Senate and continuing until after it was signed by the President.

For the most part these were legitimate appeals. Not everyone who came to Washington during the revision wanted the duties changed. Not all of those who did want them changed sought increases in the rates. Many of the letters were plain propaganda, of course. It was a monumental job simply to separate the wheat from the chaff and bring all the available information bearing on the same subject together when it was needed.

I can imagine what would happen if the task of revising the tariff as a whole were turned over to the Tariff Commission. It would not relieve Congress of political pressure, but merely force those concerned in the revision to divide their time between Congress and the commission. The commission itself would be under a double pressure—from the tariff lobby and from Congress. And if the resulting revision proved unpopular with the country, as most revisions do, the whole subject would be thrown into the next political campaign with the usual demand for a change—a change in the tariff, in the White House, in the make-up of Congress, the make-up of the Tariff Commission, in methods of tariff tinkering. The whole trouble is that no tariff law can possibly satisfy everyone. And that keeps it in politics.

DISTRIBUTION AND PROMOTION OF COMMISSIONED OFFICERS OF THE NAVY

Mr. SNELL. Mr. Speaker, I call up House Resolution 353, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 353

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (S. 550) entitled "A bill to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes," and to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of such bill. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit.

The SPEAKER. The question is on agreeing to the resolution.

Mr. SNELL. Mr. Speaker, I yield 15 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. McCLINTIC of Oklahoma. Mr. Speaker, ladies and gentlemen of the House, as I view this rule, it should not come up for consideration at this time, when there is business of far more importance than a piece of legislation which I dare say practically no one other than those on the Naval Committee has the least conception what it contains. I ask now if there is any Member on this floor who knows what is in this bill, other than the members of the Naval Committee. If there is, I want him to hold up his hand.

Mr. LAGUARDIA. I know what is in the bill.

Mr. McCLINTIC of Oklahoma. One other gentleman holds up his hand. Therefore, only two Members indicate that they know anything about the bill. It seems to me it would be in order to attempt to tell the Members of the

House something about what will be brought about if the bill is enacted into law. Section 1 provides that for every admiral there shall be 4 in the grade of captain, 7 in the grade of commander, 14 in the grade of lieutenant commander, and so on down to ensigns. In other words, you have an ultimate increase.

Section 2 provides for a selection board to convene once in each year, and there is nothing in this legislation to prevent a member of the selection board from passing upon his own promotion, and that is radically wrong.

Section 3 is a discrimination against naval officers who have come up from the ranks, and should be eliminated. There is a term in the Navy which they use to indicate naval officers who are not graduates of the Naval Academy. They call them mavericks. They want the Navy to be a silk-stocking Navy. They do not want the rank and file of the American people to ever be represented in the form of a naval officer. I am against any such discrimination. Whenever you build up a Navy or an Army without having officers in it that represent the rank and file of the people you destroy initiative and all of those virtues necessary to take care of an emergency, and you know it just as well as I do.

Section 4 relates to promotions, and unless amended it would have the effect of taking away the right of the President to appoint officers as guaranteed by the Constitution, Article II, section 2.

Section 5 relates to the disposition of officers who are not recommended for promotion and makes unjust discrimination between lieutenants who are graduates of the Naval Academy and those who are not by saying, "You can go down to the status of warrant officers."

Another discrimination, if you please, is against those who came up from the ranks and in favor of the graduates from the Naval Academy.

Section 6 relates to pay, and makes a special discrimination in favor of Naval Academy classes. It should be stricken from the bill for the reason that it gives Naval Academy students credit for one year when they only served a period of nine months.

Section 8 should be stricken from the bill for the reason that, according to our system of promotion which gives an officer a running mate, it would result in the promotion of two officers or the creation of two grades every time there was a fraction of a grade involved.

Section 9 was evidently put into the bill for the purpose of preventing captains and certain other officers being retired when they reach a certain age, thereby encumbering the promotion possibilities for those entitled to this consideration that have a lower rank.

In other words, this elimination makes it possible for Annapolis graduates to be commissioned in the future.

Section 10 would have the effect of causing every officer who was commended during the World War to receive special consideration of retirement by giving them a retirement status with an increased rank. In other words, by a special promotion system and a special selection system, it places all of the machinery that rightfully belongs to the Congress in the hands of a special board and allows them to run riot with procedure that ought not to be unless governed by law.

When this bill was considered before the Naval Affairs Committee, at first I thought it contained some merit. I was inclined to support the legislation, but when I made a careful study of it, dug into every phase of it, I found that the different sections of the bill will bring about, if I have interpreted them right, that which I have told you to-day.

So in the name of fairness, in the name of those officers who do not have any legislative rights, and who have no one to stand here and speak for them, I would ask you not to pass legislation that will wipe them out of service and bring about the kind of injustice and discrimination that should not be countenanced by this House. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I believe this bill should receive the serious consideration of the House.

There is one feature that I want to call to the attention of the House, that was brought to my attention in the hearing before the Rules Committee, and which has been referred to by the gentleman from Oklahoma [Mr. McCLINTIC].

I am sure there is not a man in this House who would admit he was a snob, or who would promote the creation of any caste in this country, but before the Rules Committee the chairman of the Naval Affairs Committee said in so many words, and I would like to have him explain in general debate more fully what he meant, that one of the purposes of this bill was to get rid, by retirement, of the men who came up from the ranks and became officers in the Navy because they just did not fit into the social situation. That is the way it was interpreted by myself and other Members, I am sure. If we are going to build up a military or naval caste in this country, it is time we paid some attention to it, and either do it deliberately or not do it indirectly. If it is the purpose of the bill to eliminate the so-called "mavericks," a term I resent, from the naval service by retiring them out, and that was the inference carried in the statement before the Rules Committee, no Member of the American Congress should ever vote for it.

Mr. McSWAIN. The gentleman will remember that the chairman of the Committee on Naval Affairs, the gentleman from Illinois [Mr. BRITTEN] stated on the floor of this House about a week ago that there were six or seven hundred officers who came up from the ranks during the war whom they desired to eliminate.

Mr. O'CONNOR of New York. Certainly.

Mr. McSWAIN. He told this House they desired to eliminate them. I say they are the backbone of the fighting men of this Navy. [Applause.] They will never be eliminated, however, with my consent.

It will be done over my protest if it is done.

Mr. O'CONNOR of New York. And it will be done over my protest, but the gentleman should not use all of my time. Before the Rules Committee the gentleman from Illinois gave the reason for eliminating them that they just did not fit into the "equation," and the inference was that they did not fit socially, and he did not deny he meant that inference.

Mr. BRITTEN. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. BRITTEN. I would suggest to the gentleman and the preceding speaker that it is highly unfair to take this so-called backbone of the Navy and refer to them as mavericks.

Mr. O'CONNOR of New York. Well, I did not; you did.

Mr. BRITTEN. They are the best men in the service.

Mr. O'CONNOR of New York. It is time the gentleman said so.

Mr. McSWAIN. Why does the gentleman want to get rid of them? The gentleman said he did.

Mr. BRITTEN. Will the gentleman wait a moment please? I may say to both gentlemen that this bill to-day is written in their relief and was dictated by them.

Mr. McSWAIN. To scoot them out of the Navy. That is the way you want to get rid of them.

Mr. BRITTEN. No. We want to help them.

Mr. McSWAIN. How? Help them out? You said you wanted to get rid of them.

Mr. BRITTEN. Oh, no. The gentleman is entirely in error.

Mr. McSWAIN. Why, the gentleman said it standing right here on the floor of the House.

Mr. SNELL. Mr. Speaker, I move the previous question.

The question was taken; and on a division (demanded by Mr. SABATH) there were 115 ayes and 54 noes.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-two Members are present—a quorum.

The resolution was agreed to.

### SECOND DEFICIENCY BILL

Mr. CRAMTON. Mr. Speaker, the conferees on the second deficiency bill have reached an agreement on the

greater part of the Senate amendments. The clerks are preparing the report. It must be acted on first in the Senate, and the House conferees would like to get approval of the report by the House to-night if it proves to be possible to do so.

DISTRIBUTION AND PROMOTION OF COMMISSIONED OFFICERS OF THE LINE OF THE NAVY

Mr. BRITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 550) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

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 consideration of the bill S. 550, with Mr. BACON in the chair.

The Clerk read the title of the bill.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, will the gentleman on the other side use a portion of his 30 minutes, and I hope it will not be necessary to use all of the time on either side, in order that we may expedite the business of the House.

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman and members of the committee, notwithstanding the colloquy that occurred between the gentleman from South Carolina [Mr. McSWAIN] and the gentleman from New York [Mr. O'CONNOR] and the chairman of the committee, I shall, in the brief time allotted to me, endeavor to point out to this committee the wisdom and justification in passing this legislation. I think I can prove conclusively to every member of the committee that the objections raised by the gentleman from New York [Mr. O'CONNOR] and the gentleman from South Carolina [Mr. McSWAIN] are not founded upon facts, but, on the contrary, we are trying to do exactly what they would like to have done; that is, to protect the nongraduates who enlisted and who served during the war.

Mr. Chairman, the provisions of this bill are not new to the House, for this identical bill passed the House during the Seventieth Congress but died in the legislative jam in the Senate.

During this Congress the Senate has passed this measure. There is nothing new or radical in this bill. It simply smooths out the method of promotion now existing in the Navy and by certain provisions provides a safeguard for officers against elimination from the naval service without being given a chance or an opportunity of being selected and promoted.

At the very outset let me impress this one fact upon you—that this bill does not increase the total number of officers in the Navy by a single officer. The total number of officers in the Navy is regulated by law. Four per cent of the authorized enlisted strength of the Navy is the number of line officers authorized for the Navy, hence there are in the Navy 5,499 officers, and when this bill becomes a law there will be the same number of officers in the service. There is nothing in this bill authorizing the appointment of any additional admirals or captains. Under the law to-day, 1 per cent of the number of officers of the line in the Navy are admirals, which is 55; 4 per cent of the number of officers are captains, which is 220. There is not a single line in this bill which permits an additional admiral or captain to be created.

Let me call to your attention some of the results to be accomplished by this measure:

It will increase the regularity of periods or the length of time spent by each officer in each of the higher grades. Under the present law the period is irregular, an admiral spending a minimum of 8 years in that grade, whereas the normal length of time for the captain's grade is made 6 years, and for the commander's grade 5 years. The present law provides that officers who are not promoted to the grade of commander by the time they reach the age of 45, or to the grade of captain by the time they reach the age of 50, or to the grade of rear admiral by the time they reach the age of 56, shall be retired with a graded retirement pay of 2½ per cent of their base pay for each year's service they have rendered to the Government.

Under this bill admirals, captains, and commanders will spend 7 years in each of these grades, thereby equalizing the flow of promotion, affording better opportunity for acquiring the experience necessary for advanced rank and thereby increasing the efficiency of the officer personnel. This bill increases the length of time spent in the grade of captain by 1 year and in the grade of commander 2 years. This additional time spent in their respective grades qualifies them far better for higher command than the time spent under the present law.

By this bill we seek to increase the number of commanders 1 per cent. The law to-day specifies that 7 per cent of the total number of officers shall be commanders, which allows us 385 commanders. This bill proposes that 8 per cent of the officers be commanders, giving a total of 440 commanders, or an increase of 55. The percentage of commanders in the British Navy is 14.04, and they have to-day 691 commanders. The percentage of commanders in the Japanese Navy is 13.7, and they have to-day 518 commanders. Japan, with a navy three-fifths the size of our own, has to-day about 133 more commanders than have we. Under the law to-day we are entitled to 14 per cent of our line-officer strength in the grade of lieutenant commander, giving us 770 lieutenant commanders. This bill makes 15 per cent of the line-officer strength lieutenant commanders, or a total of 825, an increase of 55 lieutenant commanders. In the British Navy 27.68 per cent of its officers are lieutenant commanders, or 1,367. In Japan 20 per cent of its officers are lieutenant commanders, or 754. The slight increases provided for in these grades are compensated by reductions in the grade of lieutenant. But even with the very slight increases, the percentages are far below those prevailing in other navies.

Therefore, you will observe that the officer strength of the Navy has not been increased, but this bill merely rearranges the distribution in various ranks, increasing 1 per cent the number of commanders and lieutenant commanders, decreasing the number of lieutenants from 32½ to 30 per cent, and increasing the numbers in the two lower grades by one-half of 1 per cent. We have 1,787 lieutenants; we are reducing that 2½ per cent—down to 30 per cent—giving us 1,630 lieutenants. Likewise, we are increasing the total number of lieutenants (junior grade) and ensigns from 41½ to 42 per cent. To-day there are 2,282 lieutenants (junior grade) and ensigns, and under the proposed law the total number in that grade will be 2,309. Now, the object and reason that this is being done is on account of the changed characteristics of the present-day Navy. In 1916 the Navy was composed largely of battleships and armored cruisers, with a relatively small number of destroyers, submarines, and smaller craft. To-day the Navy is composed of a much smaller number of battleships and a very much larger number of light cruisers, destroyers, and submarines. The duty as a subordinate upon a large ship is quite different from the duty in command of a destroyer, costing $3,000,000, and moving with the speed of an express train. Where a lieutenant commander might then, and might now, perform the duties of first lieutenant on a battleship, a destroyer should be commanded by an officer with the rank of a commander. The submarines of 1916, which were then commanded by lieutenants, are small and antiquated ships compared to the submarines of to-day, and with the increase in the size of the submarine it has become necessary to assign to them officers with more rank and experience. Even on the battleships the great developments made in the electrical and mechanical appliances used in the control of gunfire have made it desirable that more experienced officers be assigned in charge of this all-important work on board the battleships. This redistribution in the grades is necessary for the most efficient operation of the Navy, but let me again

impress upon you that the total officer strength is not increased. We are merely changing the numbers in the grades of commander, lieutenant commander, lieutenant, lieutenant (junior grade), and ensign.

The bill also equalizes opportunity for selection as between the members of the same Naval Academy class and guarantees protection to the older officers in such class or group against retirement before receiving an opportunity for selection. Midshipmen enter the Naval Academy between the ages of 16 and 20. Under the present law the midshipmen who entered at 20 might have an opportunity of appearing before one selection board, whereas the officers who entered at 16 would have an opportunity of appearing before four selection boards. It is no fault of these officers that one happened to be older than another when he entered the Naval Academy, and it seems only fair that officers who enter the service at the same time should be granted equal opportunity for consideration for promotion, in spite of a slight difference in their ages. They have served the identical number of years and rendered almost identical service. The law that will be effective on March 5 unless this bill or other legislation is enacted will grossly discriminate against the officer who entered the service at a somewhat greater age than the average of his classmates. Without the passage of this bill 2 captains who have never been passed over by a selection board and 17 lieutenant commanders who have not been passed over by a selection board will be forced to retire prior to the 4th day of March, 1932. These are officers who are older than the average of their class and the selection boards have not gotten down to them. They would feel, and quite properly, that they had not been given an equal opportunity before the selection boards, and this would be true, but it would be no fault of the individual, only the fault that he happened to be a few months older than his classmates. Only one of all this number would be forced out if this bill passed. This bill seeks to correct this injustice and will necessarily add to the efficiency and morale of the naval service.

The bill evens out the number of selections for promotion to each grade annually, without increasing the actual number of promotions, which may remain subject to the occurrence of actual vacancies in the grade above. The number of officers who should be selected under ideal conditions for promotion to the next higher grade should be 14⅔ per cent of the number in that grade, that is one-seventh of the number in the grade; but ideal conditions do not exist in the line of the Navy. There are variations in the size of the classes; a large class will be followed by a small class, and a small class followed by a large class, and the actual number of vacancies will vary accordingly from year to year. This bill provides that not less than 10 per cent of the number in the next higher grade shall be selected, regardless of the actual vacancies in sight, but the officers selected shall not be promoted until the vacancies actually occur. Thus there will be selected each year not less than 22 commanders for promotion to captain, and not less than six captains for promotion to the grade of rear admiral. These officers are placed on a promotion list and they remain there until vacancies occur, when they are promoted in accordance with their standing on the promotion list to fill such vacancies. It might happen that in one year there would be only 2 or 3 vacancies in the grade of rear admiral, whereas in the following year there might be 12 or 14. In the first case, 6 captains would be selected, whereas there were only 3 vacancies in sight, but the 3 captains selected for whom no vacancies were available would remain on the promotion list until some of the vacancies that would occur in the following year actually became available, when they would be promoted to fill such vacancies. The excessive retirements from the first group of officers would be reduced and the excessive number of promotions from the second group of officers would be somewhat reduced, and a more nearly equitable opportunity for promotion given to both groups.

There would similarly be a minimum of 44 lieutenant commanders selected each year for promotion to commander. It is only under exceptional circumstances that the promotion list will be made use of, as I previously pointed out that under normal conditions the vacancies should equal 14⅔ per cent, instead of 10 per cent, which is provided for as the minimum number to be selected each year. This promotion list prevents excessive retirements in any one year and equalizes opportunity for promotion as between members of classes of varying sizes.

This bill safeguards the rights of an officer selected for promotion by insuring that once his name is on the promotion list it shall remain there until he is promoted, unless removed by the Secretary of the Navy for cause; and if, after his name has been removed, he is again selected for promotion, it insures that his name shall be reinstated on the promotion list in the position it occupied before it was removed.

This bill will accomplish a material improvement in the promotion system of the Navy, leading directly to increased efficiency because of the assurance of permanency of career and equal treatment accorded to all officers, subject, of course, to the normal competition with their contemporaries.

This bill provides that no excessive number of forced retirements can be made during any one year. The maximum number of captains that can be retired is limited to 23; the maximum number of commanders, 32; the maximum number of lieutenant commanders is 55. Under the present law there is great variation in the number that will be retired, due to the variation in the size of the classes.

Without the enactment of this bill, or similar legislation, it will be necessary for the class of 1912 to retire, in the year 1933, 62 lieutenant commanders out of a total of 99 at present in the class. These officers will be forced to retire after 21 years' service, at an average age of about 43½. This bill would restrict the number of these retirements to a maximum of 55 in that year, the Government retaining the services of the excess above 55, who would otherwise be retired. With a small class coming out the following year, this excess of 7 would probably be taken care of; but should the class of 1913 have more than 55 retirements, the 7 retained from 1912 and such additional number from 1913 as would bring the number up to 55 would be retired.

Protection is given to that large group of war-time officers, nongraduates, naval reservists, warrant officers, and former enlisted men who were, in 1920, amalgamated with the regular Navy. These nongraduate officers—I mean by that, officers who had not had the opportunity of going to the Naval Academy—were by the act of 1920 made regular officers in the Navy, and all the laws to-day relating to qualifications and promotions apply to these officers, and they are in competition with the graduates of the Naval Academy.

This bill seeks to protect these officers who rendered gallant and faithful service to the Government during the World War. Under the present law they must meet in competition with every officer that graduated from the Naval Academy, must pass the identical examination, and must qualify in exactly the same manner for promotion. On account of their limited educational qualifications a great many of these brave officers can not meet the acid test. It would be a hardship for these officers, who have rendered the service they have, to be thrown out of the service, and this bill permits them to retire after reaching the age of 45 or after 20 years of total service, with retired pay based upon the length of time they have served the Government.

If this measure is not enacted, these officers who fail are discharged with one year's pay, or those officers who were former warrant officers must revert to their former warrant status. For one, I am opposed to the hardship the present law imposes on these officers. It is nothing but fair, after they have served the Government in time of war, that they should be taken care of, and unless this measure is enacted they are kicked out of the service with one year's pay.

Let me impress this one fact: This bill does not make any increase in the number of officers in the service. It merely readjusts the percentage in several grades in order to make a more regular flow of promotion and afford more equal opportunity for promotion to the officers. It creates a pro-

motion list, but no promotion can be made until an actual vacancy occurs. It merely permits the selection board to select officers, place their names on the promotion list where their names remain until a vacancy actually exists, when they fill such vacancies in order of seniority. This bill will greatly improve the conditions and enhance the efficiency of the naval service, and by all means it safeguards and protects the rights of the nongraduate officers who amalgamated in the service in 1920, and takes care of these brave and patriotic officers who served the Government in time of war.

The distinguished gentleman from Idaho [Mr. FRENCH], the vice chairman of the Joint Pay Committee and the chairman of the Naval Appropriations Subcommittee, has objected to all personnel legislation on the ground that the Pay Committee is considering this subject matter and that any legislation along this line would tend to embarrass the work of the Joint Pay Committee.

With all deference to the distinguished gentleman from Idaho, in my opinion his ground for objection is baseless. The Joint Pay Committee when it was created by Congress was given jurisdiction only over the question of pay. By that resolution Congress did not confer upon the Joint Pay Committee the authority to deal with the question of promotions, or the distribution of officers in the various grades.

The Joint Pay Committee's jurisdiction by the very language of the resolution is confined exclusively to the question of pay. As an evidence of the correctness of my statement, he has offered in the House a resolution extending the life of the Joint Pay Committee and broadening its jurisdiction to deal not only with the question of pay, but, to use his own language, "distribution in grade and promotion of commissioned personnel of the services."

The enactment of this measure should not in the slightest degree embarrass or hamper the work of the Joint Pay Committee, but on the contrary it should aid the Joint Pay Committee, for Congress will have determined the grades and promotions prior to the Joint Pay Committee fixing the pay.

The gentleman from Idaho, in his remarks on this subject to the House, suggested "that promotion legislation should go hand in hand with pay legislation, or should precede it." Now the Joint Pay Committee not having the jurisdiction to consider promotion legislation, we are doing as the gentleman from Idaho suggested, seeking to enact a measure that should precede the work of the Joint Pay Committee.

The gentleman from Idaho suggested that promotion legislation should go hand in hand with pay legislation or should precede it. All we are seeking to do by this measure is to precede the pay committee's conclusions and findings, for by doing so—that is, settling the promotion legislation—it enables the pay committee to make a correct statement as to what the total cost of the service will be.

It would be putting the cart before the horse to enact pay legislation and then follow it with promotion legislation. The proper way to legislate is to create the grades and then apply the pay to the grades, so let no Member become confused that this bill is interfering with the work of the pay committee. As I have previously stated, it should aid the pay committee in its work.

The Joint Pay Committee was created more than a year ago and, I grant you, has collected voluminous data; but up to this hour neither the distinguished gentleman from Idaho nor the chairman of the committee has called a single hearing. For over a year they have been investigating and studying the question of pay, and yet no decision has been reached. Now they seek to broaden their jurisdiction to take in the question of promotion, and, basing the future upon the past, it will be many years before a report is submitted to Congress. The legislative committees dealing with these services should not surrender this jurisdiction to the Joint Pay Committee.

The 63 members of the Military Affairs, the Interstate and Foreign Commerce, and the Naval Affairs Committees, in my humble judgment, are amply qualified to handle the question of personnel legislation for their respective services. It would be an enormous additional burden placed upon the Joint Pay Committee, and if the Joint Pay Committee has not, in dealing with the question of pay, been able to have a hearing after a lapse of one year on that question, I grant you there would be no telling, if other subject matter were brought into the consideration of the Joint Pay Committee, when a final decision would be reached.

The distinguished gentleman from Idaho has at various times contended that no personnel legislation should be enacted because it would be piecemeal legislation and might hamper the enactment of general legislation which he so greatly desires.

Now, what does the gentleman from Idaho desire? He desires a unified promotion law for the Army, the Navy, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service. It is his dream and desire that there be one promotion law for these various services, that an officer in the Army reaches a certain rank at a certain age; that an officer in the Navy, Coast Guard, and these other services should have the same rank at the same age.

This is beautiful in theory but impracticable of attainment. The requirements of the Navy are far different from the requirements of the Army. The organization of a regiment differs materially from the organization of a ship. The number of admirals in a fleet has no relation whatever to the number of generals required in an army, but the number of admirals required is dependent upon the units composing the fleet, and the tasks to be performed, and the number of generals is similarly dependent upon the number of units composing the Army and the tasks to be performed. The number of units may differ greatly and the tasks are far different. The number of lieutenants on a battleship depends in part upon the number of turrets, and two ships of relatively the same size will require a different number of officers if they have a varying number of turrets or if their engineering power differs materially. The Navy requires a definite number of officers in each grade to perform certain definite tasks that must be performed, but there is no justification for assigning more or less officers to the Navy than are required just because some other service needs a greater or a fewer number. Why should an officer of the Navy be promoted because an officer in the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Army, or the Public Health Service is promoted, or vice versa? The distribution of officers in each of the services and the promotion in each of the services must be based upon the needs of that service and not upon the needs of some other service.

In the Navy we have two systems of promotion. From ensign up to commander, promotion is by seniority; from commander to admiral, promotion is by selection, a board being appointed that selects officers regardless of seniority to fill vacancies in the next higher grade. In the Army an entirely different system prevails; the principle of seniority runs from second lieutenant to colonel, and only the generals are selected. Where systems of promotion differ so radically, it is not possible to have one law dealing with promotion of the various services. The Joint Pay and Promotion Board from the various services worked all last summer in an endeavor to reconcile their differences and to evolve some system that would insure to the officers of all services promotion to corresponding grades at approximately equal age, but the situation in the services was so different that it was not possible for the Army to even approximate the system in vogue in the Navy and even those concessions which they did make were rejected by the Secretary of War. The work of the Coast Guard and the Public Health Services is of a very different character than the work of the Navy and the conditions existing in those services differ materially from those in the Navy. So you can readily see that the gentleman from Idaho's contention is not sound. It is not feasible to have a unified promotion law applying to the various services. The very Joint Pay and Promotion Board which worked last summer combined under a single heading six separate and distinct bills, which, while they might be referred to as a single bill, were in reality six bills.

The bill now under consideration was taken by the other services as the foundation of the report which they made to the Joint Pay Committee. The enactment of this measure should not in the slightest degree embarrass the work of the distinguished gentleman from Idaho and the other distinguished members of the Joint Pay Committee. I most seriously object to broadening the jurisdiction of the Joint Pay Committee to include the question of promotion. That should be left with the Legislative Committee, and what we are seeking here is to comply with the statement of the gentleman from Idaho that promotion should go hand in hand with pay legislation or should precede it. We are seeking to precede pay legislation with this constructive piece of personnel legislation, which is vitally necessary for the Navy at this time.

Mr. BRITTEN. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. BRITTEN. The gentleman in his haste has forgotten that in the Navy supply bill which was passed day before yesterday the very provision that is in the present bill was inserted and was agreed to by the conferees, and this permits these very able men to retire of their own volition. In other words, it does the very thing that this bill does, and it is a relief measure, gentlemen.

Mr. VINSON of Georgia. Of course, it is a relief measure to these men who are involved.

Let me call the attention of the gentleman from South Carolina [Mr. McSWAIN] to the fact that under the law to-day if these men can not meet in competition the graduates of the Naval Academy and can not make the grade, they are to be kicked out of the service with one year's pay.

What do we propose to do? We propose that these nongraduates shall continue to stay in the Navy until they have served 20 years, all time counted, and then be put upon the retired list, if he fails to qualify.

Now, who is protecting these nongraduates? Is it the gentleman from Oklahoma [Mr. McCLINTIC] or the gentleman from New York [Mr. O'CONNOR]? This bill is protecting them by according them the same right and the same advantage that a graduate of the Naval Academy would have.

Mr. McSWAIN. Will the gentleman yield for a question?

Mr. VINSON of Georgia. Yes.

Mr. McSWAIN. What does the gentleman mean by "all service counted"? Does that mean counting the time from the day he enlisted up to the present time?

Mr. VINSON of Georgia. If he were a warrant officer, and under the law as it is to-day he failed to pass the examination, he would revert to his former status or be kicked out of the Navy. If he fails to pass the examination, we would permit him to count the time that he served as a warrant officer, in making up his 20 years' service, giving him 2½ per cent of his base pay.

Mr. BRITTEN. In other words, his total time in the Navy is computed, not only his time in the warrant-officer grade but also his time as an enlisted man?

Mr. VINSON of Georgia. Exactly.

Mr. McSWAIN. And there is hardly one of them who has not already been in the Navy 20 years from the day he enlisted up to the present time.

Mr. VINSON of Georgia. The gentleman is absolutely mistaken.

Mr. McSWAIN. They can not be commissioned under 16 years of age.

Mr. VINSON of Georgia. The gentleman is mistaken. The bulk of these men received commissions as emergency officers, and in 1920 came into the Navy. They have a regular Navy status and have approximately 10 years more to serve in the Navy; and if we do not pass this bill by the 5th day of March, these men who served their country in time of war, who were not educated at the Naval Academy, will be kicked out with one year's pay. These are the very men that the gentleman from Illinois and myself, and the other members of the committee, except the gentleman from Oklahoma and the gentleman from Texas, are fighting to protect.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. LaGUARDIA. Is not the main purpose of the bill to increase the percentage of commanders to take care of that hump, and then have it apply all the way through, and is it not also true that by doing this you will not appreciably increase the appropriation by reason of the fogies?

Mr. VINSON of Georgia. It will decrease the appropriation. Here is a table running over a period of 20 years and this shows that the first reduction in 1931 is $15,000, and then in 1932 it amounts to $64,000, and in 1933 there will be a reduction of $108,000, and so on down the list with a reduction every year until 1947.

Mr. BRITTEN. Mr. Chairman, I yield five minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Chairman, the gentleman from Georgia [Mr. VINSON], who has just spoken, has proceeded with the apparent prescience of a seer in undertaking to anticipate what I should say to the House. The main objection that he directs against me is that the Joint Pay Committee did not report a pay bill. I recognize that there are several factors touching pay that involve consideration of inequalities, but, generally speaking, the problem involved increase not readjustment of pay. Our joint committee felt that no adequate pay bill could be passed in advance of promotion legislation and this we felt should be general and be handled at one time for all the services involved.

Again with world-wide economic depression the Joint Pay Committee felt that this was not the time to report out a pay bill, and I think so now. Officers generally are not feeling this depression as are others. I tell the gentleman and tell this House that if there is any group in the country that is favored above another from the standpoint of ability of its every member to have his pay check cashed every time it is received in the envelope and what it stands for by way of salary allowances and retirement, it is the officer of the Navy, the Marine Corps, the Army. [Applause.]

Now, then, for this bill. I did not propose to take very much time and do not want to. Now is not a good time to consider this promotion bill because in the rush of the closing hours it can not receive adequate attention.

Again, promotion legislation for one service should not be considered independently of promotion plans for the other services.

The Navy, the Marine Corps, the Army, Coast and Geodetic Survey, the Public Health Service, all from the standpoint of personnel and promotion are kindred. Promotion legislation and pay legislation should be considered for all these services at a given time. If we attempt to handle the matter by piecemeal legislation and if we shall pass the pending bill fixing promotion for the Navy, the very features of the measure that will give advantageous status to naval officers will be used as the basis of demands in the next Congress for each of the several services.

In other words, if we enact piecemeal legislation such as this, we do something that will come back to plague us in other Congresses when we shall be called upon to consider other legislation affecting other kindred groups.

But this bill is inconsistent with our action of yesterday. It contains language touching the graduations of the Naval Academy at Annapolis which, if it becomes law, in my judgment, will repeal the amendment that was placed upon the naval appropriation bill which provides for commissioning as ensigns all the graduating class of 1931. Upon this subject I have spoken to the chairman of the committee. He thinks there is some doubt about it. There ought not to be any doubt. We ought to write clearly into this bill language that will not be in conflict with what we approved yesterday with regard to the graduates at Annapolis.

Mr. BRITTEN. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. BRITTEN. If, as the gentleman contends, this bill does repeal what we did the day before yesterday, then it will be doing precisely what the gentleman desires. Why should the gentleman complain?

Mr. FRENCH. Oh, no; the gentleman is begging the question when he proposes that. I might have my individual notion, but when the Congress of the United States acts

one day it ought not to be called upon by the distinguished gentleman from Illinois to reverse its action upon the day following. That is what the gentleman is proposing here.

When we come to the provision for the emergency officers, the gentleman who preceded me referred to them and said this language is practically the spirit of the language carried in the appropriation bill. Again I am certain the gentleman is in error. Under the language of the appropriation bill of yesterday, which, by the way, is the language of another bill reported by the Naval Affairs Committee, the emergency officers are permitted to retire after certain length of service, but under this bill they are required to do so if they fail to pass certain examinations.

Mr. VINSON of Georgia. Under the law to-day they would be kicked out.

Mr. FRENCH. No. I am talking about the law which was passed yesterday. Under the law passed yesterday they are permitted to resign. Under the law proposed to-day you are forcing them out.

Mr. VINSON of Georgia. If a man stands an examination to-day and fails, he goes out with one year's pay. Under this bill if he fails he goes out with his proper retirement.

The CHAIRMAN. The time of the gentleman from Idaho [Mr. FRENCH] has expired.

Mr. BRITTEN. I yield to the gentleman from Idaho two additional minutes.

Mr. FRENCH. My friend from Georgia forgets that the language of the appropriation measure of yesterday will supersede the former law to which he refers.

In the minute that I have left, may I emphasize again the unwisdom of piecemeal legislation by citing two or three illustrations to show how special consideration given to one branch of the service is seized upon at once for similar legislation for the other. Last spring a bill was passed providing for adjusting the salaries of the Naval Academy Band. Within 24 hours after that bill had passed, a colonel in the Army, a friend of mine, was in my office, and he brought his fist down on my desk and he said, "We have got to do that for the band leaders at West Point"; not that they needed it, but just because it was being done for the Navy.

I have in my hand another bill reported by the gentleman's committee, the Naval Affairs Committee, providing for the retirement of three officers of the Navy. This bill is on the calendar. May I read one sentence of the report as to why that bill should pass.

"The Congress on the 1st of July, 1890, passed an identical law for the Army officers, and so forth." In other words, what had been done 40 years ago for certain Army officers must now be done for officers of the Navy.

Gentlemen, if you pass the bill that is before you this evening, the Army officers next year will come to you and want everything that is more advantageous than what they are receiving in the Army now applied to them. Then next year, if you pass a bill fixing the pay or compensation or promotion for the officers of the Army, every officer of the Navy will come in and want you to do the same thing for the officers of the Navy, if by any chance you give an Army officer an advantage. That is the viciousness of this legislation. There should be a joint pay committee. There should be a joint promotion committee. Personally, I should be glad to be spared from service upon either one of them, but let some committee handle the question that could consider promotion and pay for all services at one common time. [Applause.]

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. BRITTEN. Mr. Chairman, I yield three minutes to myself.

Ladies and gentlemen of the committee, the gentleman who has just preceded me has not made one objection to the principles of this bill. The gentleman says, generally speaking, and he is correct, the pay and promotion should some day be cared for by some committee. That is all right, but that is not being done now, and the gentleman's committee dies on March 4.

The truth of the matter about this legislation is that in the Seventieth Congress it was passed unanimously by the House in its present form. It went to the Senate where it died in the legislative jam over there. Since then the Senate has passed it unanimously, just as it was passed by us in the previous Congress.

This legislation is desired by the administration, by the officers and men of the Navy, and when I say "men," I am thinking about the men that my friend Mr. McSWAIN is thinking about. This bill is a relief bill for them; men who have come up from the ranks and have become officers of the Navy. They have written certain legislation into this bill, through the committee, and we are aiming to aid their desires. No one wants to get them out of the service. They are the backbone of the service.

Mr. McSWAIN. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. McSWAIN. Was it a slip of the tongue when the gentleman said about a week ago, standing right over there on the floor, "We want to get rid of them"?

Mr. BRITTEN. My impression is I said we wanted to get rid of that hump in the service.

Mr. McSWAIN. Well, they make the hump.

Mr. BRITTEN. Of course, the gentleman is placing a wrong conclusion on what I said. They are in the Navy. We want to relieve those men from their present position. On the day before yesterday the naval supply bill for which the gentleman voted carried the very language that is in this bill, with this exception:

The language in the supply bill said that these men may retire now. It said nothing about length of service or age. The language of this bill says these men may retire provided they have had 20 years' service or have reached 45 years of age. They may retire. There is nothing compulsory about it at all. The gentleman himself does not have any higher regard for those men than I have. They should be kept in the service if they want to stay there and if they can qualify. They are very valuable.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I yield myself two additional minutes. Now, as to this bill. In 1916, 15 years ago, we passed line-personnel legislation in this House, and since then we have not passed any except an occasional bill. The line has withstood the rigors of time for 15 years, with the exception of these few suggested amendments. These amendments iron out a number of difficulties in the old act of 1916. It neutralizes the prospects of promotion as between large and small classes. Some classes coming out of the Naval Academy have been very large, so that competition for promotion in those classes is severe. A subsequent class may be very small and competition for promotion in that class, of course, is less severe.

Mr. BLANTON. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. BLANTON. After spending four years to educate an officer in the Navy, does the gentleman believe in retiring him at the age of 45, when he is able-bodied?

Mr. BRITTEN. No; I do not.

Mr. BLANTON. Officers could be retired under this bill when they have had 20 years' service, or reached 45 years of age.

Mr. BRITTEN. The gentleman does not understand the bill. It has nothing to do with men at the Naval Academy, the provision the gentleman is talking about.

Mr. BLANTON. I understand the bill thoroughly. Under it 600 officers will be retired, either because they have had 20 years' service or have reached the age of 45 years. I am not in favor of retiring any able-bodied men at the age of 45 years. I do not care where he comes from or in what department he serves.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. SANDERS].

Mr. SANDERS of Texas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and to include therein quotations from the hearings and from various other articles and documents bearing on this question.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SANDERS of Texas. Mr. Chairman, ladies and gentlemen of the committee, this is one of the most vicious and pernicious bills that has ever been brought up in the American Congress for consideration. [Applause.] It was conceived in favoritism. It was based upon the testimony of only two witnesses, and I have never seen such side-stepping and dodging in all my experience as a Member of the House. It does not represent the hope and the aspirations of the great body of officers in the American Navy. In opposing this bill I am doing so not because I am not in favor of a Navy, because the Constitution of the United States makes it our duty to establish and maintain a Navy, but because of the fact, my friends, it is one of the worst blows that can be struck at the Navy.

I was surprised at my friend Mr. VINSON. I want to say to you I have great admiration for him, because I believe he is one of the smartest men I ever saw. When we had hearings upon this bill my good friend the distinguished chairman of this committee said he did not know much about it. Let me quote his language, and then I want to get to the gentleman from Georgia [Mr. VINSON]. The gentleman from Oklahoma [Mr. MCCLINTIC] asked everybody in this House who understood this bill to hold up their hands, and only three hands went up. Here is what Mr. BRITTEN said about the bill:

Mr. BRITTEN. I am very dense on it. Let me put it in my own way. You are going to promote a number of lieutenants to lieutenant commanders the first year if this bill goes into effect, are you not?

Admiral LEIGH. Yes, sir.

Mr. BRITTEN. Why are you not going to do that same thing in the tenth year if this bill goes into effect; and if you do, why will it not affect them in the tenth year the same as it does in the first year, the second year, and the third year?

Admiral LEIGH. Because they will have reached by length of service a pay grade that will not increase their pay when they are promoted.

Mr. BRITTEN. That is too deep for me.

I want to call Mr. VINSON's attention to page 3302 of the hearings. He said:

Now, I think that you are making fish of one and fowl of the other on account of the age.

Therefore, if this bill is too deep for the chairman and if Mr. VINSON, who knows so much about it, says that they are trying to make fish of one and fowl of the other, I do not see how any of the other Members on the floor can understand it. That, my friends, was a quotation from the first hearings; and in the second hearings, on page 437, we find Mr. VINSON saying:

Mr. VINSON. What effect would this bill have on the retirement budget? How much would it increase it? I refer to the retirement pay. Are you not building up a very large retirement obligation against the Treasury?

Admiral LEIGH. No, sir.

Mr. VINSON. Is it not a fact that officers would be weeded out under this bill faster than under present law?

Admiral LEIGH. They would go out in the lower grades faster but their pay on the retired list would be less. The less years they have served the less would be their pay on the retired list.

Mr. VINSON. But they would receive 75 per cent of their base pay on the retired list. That is the maximum.

It has been stated that this bill would cause no additional expense. The Secretary of the Navy sent a letter to us, and he said that the expense would be increased by $31,000 each year for the first three years and after that it would be decreased, that there will be a saving in 1940.

I am not interested in saving money in 1940. I would like to save a little in this year of our Lord 1931. [Applause.]

Mr. BRITTEN. Will the gentleman yield there?

Mr. SANDERS of Texas. Yes.

Mr. BRITTEN. In the very letter that the gentleman refers to from the Secretary of the Navy he states that in 1931 there will be a saving of $15,000.

Mr. SANDERS of Texas. Well, since the gentleman from Illinois [Mr. BRITTEN] refers to that, I want to state to him that I am standing now where he did six years ago in a letter that he then wrote.

Mr. BRITTEN. In other words, is the gentleman admitting he knows nothing about the bill now?

Mr. SANDERS of Texas. I have not admitted in the record that I am "dense" on it or that it is "too deep for me." [Laughter.]

I want to say to you, my friends, the trouble about this bill is that it was conceived in favoritism. I have here on the table a book which was written by a high naval officer and if the Members of the Congress could read this book and see what this legislation is trying to do, it would not get 36 votes in this House. You are taking it on faith.

I started to tell you a negro story just then. You do not understand the bill. You failed to hold up your hands and indicated that you did not understand it.

A colored boy went into court and the judge informed him of his rights under the law and the boy said, "Well, Judge, I believe I will just impose myself on the ignorance of the court and the mercy of the jury," and that is what you are doing here with this legislation. [Laughter.]

But the gentleman from Illinois [Mr. BRITTEN] sidetracked me a moment ago. Let me call your attention to this quotation in a letter that he wrote on June 19, 1924:

Some nine years ago Congress substituted for existing law a provision for "selection up" in the Navy.

It was the thought of Congress that promotion by seniority was wrong in principle, and that selection would provide an incentive for advancement, which, in turn, would promote ambition, thrift, constancy, and efficiency in the Navy.

In other words, an opportunity for promotion ahead of his class was to be given the ambitious, progressive, superior-minded young officer.

I think that the Navy generally has already indicated its disappointment in some of the selections for promotions, and that it feels that "real" selection up does not prevail.

Selection boards are too often composed of the same members who sat on preceding boards, and this fact may work against the best interests of a selective system.

For the past five years it has been quite evident to me that a select ring of Washington line officers have thoroughly dominated the Navy and have assigned to themselves—and to their friends—all of the military and social plums.

The Naval Academy, London and Paris embassies, command of the fleets, special European assignments, Mediterranean cruises, and topside Washington appointments have been jealously parceled out to those in the "butterfly" set, and to none others, and I might say that this condition is not too happily received by the officer aboard ship who is on the outside looking in.

It is no wonder that so many Members, in response to the invitation of the gentleman from Oklahoma [Mr. MCCLINTIC], acknowledged they did not know anything about this bill. It is highly technical. It was drawn that way on purpose. It was drawn by disciples of Talleyrand, who claimed that the "proper use of language is to conceal ideas." I do not know how I could better illustrate its technicality than to give you an example. I received a letter from a railroad man, who said:

DEAR MR. SANDERS: We'd just pulled the drag off the main stem onto the two streaks of rust, but she hung over. The hoghead was down on the ground greasing the pig, and the tallow pot was up on the deck crackin' diamonds. The con was in the doghouse fumblin' tissues, and the hind shack was cooling a red hub; he ought to been a tryin' to put 15 sticks between him and the hind end. I was up a head bendin' the rails when the streak of varnish and plate glass came round the bend. The eagle eye seen us and throwed her in the big hole on two streams of seashore, but he'd been pounding her over the back, and they slid into us.

Of course, I did not understand that language, because it resembled a naval personnel bill so much. Hence, I wrote to my friend and asked him if he would not give me that same thought in my native tongue, and this he did, and this is the explanation:

MY DEAR MR. SANDERS: The interpretation of that letter is as follows: We had just pulled in front of the main track to the siding but the rear end of the train was not into clear. I was up ahead of the locomotive reversing an intermediate switch, so that we could complete the movement. The engineer was on the ground oiling the locomotive. The fireman was on the deck of the engine breaking up some large lumps of coal to firing size. The conductor was in the caboose checking over his copies of train orders, and the rear brakeman was cooling a heated journal under one of the cars, instead of attempting to get back the required 15 telegraph poles from the rear of the train in order to afford the necessary flag protection against following trains. Just then the passenger train came round the curve and while the engineer saw our train and made an emergency application of the airbrakes, in

addition to sanding both rails; he had been running at such high speed that the efforts were futile, and the train collided with ours.

In the report of this bill the chairman of our committee says in part:

This system of promotion has been in effect for over 13 years and has in the main proved satisfactory.

Now, if that be true, what is the necessity of rushing this bill in here in the last days of this session under a rule which does not afford that full and free discussion that ought to be given to this bill?

This is a similar bill to H. R. 13683, upon which hearings were held in 1928. Prior to that time hearings were held on a similar bill. When this bill, now styled H. R. 1190, was taken up for consideration before the Naval Affairs Committee on May 21, 1928, Mr. VINSON of Georgia said (p. 3213 of the hearings):

Mr. Chairman, I want to make this comment for the record. At the beginning of this session we promptly took up the Navy building program and passed it. It is still in the Senate. Much to our regret, it does not look like it is going through. Now, we are asked at the end of the session to take up the personnel legislation and a building program all in one year, for the reason that whenever we finish a building program then the Navy has nothing else to do but bring up legislation for the personnel.

Now, I am perfectly willing to take up each subject during one session of Congress, but I think we ought to establish a policy that in the years when we build ships there will be no promotions and in the years when we do not build ships then we will hear the Navy on promotions. They are pressing us a little too fast now, building ships and promoting officers at the same time. I am willing to take up one subject at each session of Congress and let the Navy Department select it, but I, speaking as one Member, am unwilling to go in and build ships and promote officers in the same year, because they have only two things to do in the Navy, either to build ships or to promote officers. I am perfectly willing to give them one year on each one, but after that one subject has been disposed of we should stop for that session and not work this committee further along that line.

They then called Admiral Leigh, who on page 3216 of the hearings states:

Because of the faults of the present system, that of selection up, rather than selection out—that is to say, selection of officers for promotion as those best fitted to perform the duties of the next higher grade rather than selection for retirement of those least efficient—was instituted by the act of August 29, 1916. By this system annually a board of nine rear admirals is convened to select for promotion to the grade of rear admiral, captain, and commander those officers, in number equal to the prospective vacancies during the ensuing year, who are best fitted among those officers eligible for such selection (by reason of having spent at least four years in their grade) to discharge the duties of the next higher grade. This system has been in effect for nearly 12 years, and has in the main proved satisfactory.

Then, if this system has been in effect so long as that, and it had the O. K. of the Navy Department or it would never have been passed, why change it? Then the admiral further says:

Referring directly now to the bill, section 1 of which provides for a change in the percentage distribution by increasing the previous percentages of 7 in the grade of commander and 14 in the grade of lieutenant commander to 8 and 15, respectively. With the present authorized strength of the Navy this will have the effect of adding 55 commanders and 55 lieutenant commanders.

Then why this in peace times? I read further from the hearings:

Mr. VINSON. You have 83,000 enlisted men in the Navy?

Admiral LEIGH. Eighty-three thousand two hundred and fifty.

Mr. VINSON. Yes; but you have based your calculation upon an authorized enlisted strength of 137,485, giving you 5,499 officers to command 83,500 men.

Admiral LEIGH. Yes, sir.

* * * * * * *

Mr. VINSON. Admiral, is it not a fact that you have not a place to assign one admiral, and therefore he is not assigned to duty at all, and has not been for six months?

Admiral LEIGH. I have three vacancies now, sir, to which I would like to assign admirals.

Mr. VINSON. Is it not a fact that a vacancy has been pending at the New York yard for six months, with one admiral floating around with no assignment?

Admiral LEIGH. There has been a vacancy pending since the 15th of February. (This testimony was given on May 21, 1928.)

Mr. VINSON. You have three vacancies that you want to put admirals in; yet you have one admiral who is not assigned to duty?

Admiral LEIGH. Yes, sir.

Mr. VINSON. Who is drawing pay as an admiral, and the Government is paying him every month, and yet the Government is not getting any benefit of his services?

Admiral LEIGH. Well, I do not know.

Mr. VINSON. If you do not want me to conclude that you have more admirals than we need, why do you not assign them?

Admiral LEIGH. There are special reasons why the Secretary of the Navy does not assign that particular admiral to duty. He feels that it is for the best interests of the Naval Service not to assign him at present.

Mr. VINSON. Then why should the Navy pay him and not assign him to duty?

Mr. BRITTEN. Is he not assigned to duty?

Admiral LEIGH. No, sir; he is not assigned to duty.

Mr. VINSON. We are now dealing with the question of percentage in officers. We are confronted right now with a case where you have vacancies and one admiral not assigned to duty. We are going to let the Government continue to pay the officers who are not assigned to duty while we have vacancies?

Admiral LEIGH. I think we are going to let the Government continue to pay for a certain length of time.

Mr. VINSON. Why does it not follow then that we have too many admirals? If we have one admiral that we can not assign and one that we have got to pay, why should not Congress step in and say, "There are too many in the grade of admiral, and we should cut them down"? * * *

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Mr. VINSON. Of course, I would not for one moment suggest to the department the assignment of any officer. That is a matter with which this committee has nothing to do. But my point is this: We have one admiral to-day who has no assignment; and you can not escape this conclusion: Either you have got too many admirals or the admiral should be put to work. The Government is under no obligation to pay the admiral his full salary unless he is performing some duty. Then there are other things to deal with. But the point is, Why should the Government waste $13,000 a year for which the Government is getting no service? * * *

Admiral LEIGH. The pay of an admiral is $9,700.

Mr. VINSON. You propose to add 55 more commanders. That would make 467. Is that correct?

Admiral LEIGH. Yes, sir. * * *

Mr. VINSON. Admiral, how many officers have you stationed in Washington city?

Admiral LEIGH. This shows 454.

On pages 3238–3239 of the hearings it will be seen that we have three admirals writing a history of the World War. That war has been over 13 years, and yet they have not completed the book and do not know when they will complete it. These hearings were resumed on pages 3242–3243 of the hearings, and it shows that this history writing is going on at an extra cost of $8,000 per year.

Mr. VINSON. When will the public read this book?

Mr. BRITTEN. The public will not read it, but their children will.

Page 3249 of the hearings:

Mr. VINSON. They take the last five on the list and promote them?

Admiral LEIGH. Yes, sir.

Mr. VINSON. Now, is that not satisfactory to-day?

Admiral LEIGH. No; that is not satisfactory, for this reason——

Mr. VINSON (interposing). Wait one minute. You propose then that the selection board shall have the right, under your bill, to select from the same list of 125 five men and put them on a preferential list, and the only difference between your proposal and the law is merely putting them on a preferential list?

Mr. BRITTEN. Oh, no.

Mr. VINSON. Wait one minute. If you have five vacancies to-day, under your bill, the selection board would select only 10 per cent of your rank of admirals, which would be five, and they could take the last five men and promote them under this bill, could they not?

Admiral LEIGH. Surely.

Mr. VINSON. That is exactly what you are doing to-day, is it not?

Admiral LEIGH. Yes, sir.

Then why change, I ask in all seriousness?

* * * * * * *

Mr. VINSON. Then, why would you not be jumping two officers over the balance of the captains when there is no vacancy to fill?

Admiral LEIGH. I do not think that would be true at all.

Mr. VINSON. You have two vacancies in the grade of rear admiral, and under this plan you would select five captains, although you would only promote two of them to the grade of rear admiral. Then you would put three captains on this preferential list to wait until another vacancy in the grade of rear admiral occurred?

Admiral LEIGH. Yes, sir.

Mr. VINSON. Then, if you did that, would you not somewhat embarrass every officer, except those first two, in the rank of captain, by selecting them from the entire list of captains and jumping them over a great many others? By putting them on the preferential list you jump them over the others, and they must stand there some years waiting promotion. For instance, you could take the one hundred and fiftieth man, you could take the thirtieth man, you could take the fifty-sixth man, and so on down the list, and yet make only two appointments or promotions.

Then the balance of the captains could say, "They jumped us over this year; there is no vacancy but they have a preferential list of three captains." They would have to wait another year, because they would have been jumped over. The selection board changes every year, and the next selection board, under this system might not have jumped over a single one of those men, but they would have the preferential list and would be bound by it. It occurs to me that you would affect the morale of the officers of that list when you have a preferential list standing in his way.

Admiral LEIGH. I do not know. Of course, there is another opinion about this matter, but I do not agree with you that it would affect the morale.

Mr. VINSON. It would embarrass them.

* * * * * * *

Mr. VINSON. What about the officers on the list? You might have the one hundred and fiftieth man on the preferential list; there might not be a vacancy for the year, but he would be promoted when the vacancy occurred. There would have been a whole year in which the men who were jumped over, if they were qualified, could have helped to fill the vacancy. It seems to me that would be a benefit in itself, because they would be eligible for the vacancies that occurred during the year in which the vacancies would run to this preferential list.

Admiral LEIGH. You are getting down to one of the points that we want to avoid. We want to get the best officers in the service. They are the officers we are trying to promote, and that is what the selection board is for.

Mr. VINSON. You are actually doing that to-day, are you not?

Admiral LEIGH. Yes, sir.

Mr. VINSON. Then why the necessity of this law? You are getting the best officers now, under the present system, are you not?

Admiral LEIGH. Yes, sir.

On pages 3254–3255 of the hearings, Mr. HALE asks some very important questions which indicates that he has some doubt about this bill, and then Mr. VINSON makes the remark:

From what Mr. HALE says, it seems to me that you would be precluding new blood from filling vacancies at that time.

Page 3256 of the hearings indicates that Mr. DREWRY has some doubt about the merit of this bill, for we find him making the observation:

It seems to me there is very little difference between the present law and what you want. I suppose this bill was called for by your desire to be fair to certain men who, by reason of vacancies, would be entitled to promotion, but who, because of the fact that the selection board does not meet until a later time, might not be promoted—that is, something might happen that would prevent it. Now, you want to be fair to those men and give them an opportunity to be promoted to a higher rank, if possible. That is the idea back of the bill, I suppose.

Admiral LEIGH. No, sir; that is only one idea. That is part of it.

Mr. DREWRY. That seems to be the main idea, to my mind. If I were an officer in the Navy, it seems to me that I would think it was just and fair to take my chances when the selection board met. Everybody knows when they will meet, because it meets at a specified date. It seems to me that this would be trying to jump those few men to reach a position which they have not in fact reached just because there is a vacancy and the selection board has not met.

Then Admiral Leigh dodges the question and Mr. DREWRY asks:

And three vacancies?

Admiral LEIGH. And three vacancies. Now, those people have not the same chance now that they will have next year when 11 men will be selected.

Mr. DREWRY. There are three vacancies, and you say there are 125 officers who are eligible.

Admiral LEIGH. Yes, sir.

Mr. DREWRY. If those vacancies were filled, some of those 125 men would immediately get the higher rank to which they would be entitled if the selection board should meet to-day and fill the vacancies.

Admiral LEIGH. No, sir; they would not get the higher rank until the vacancies occur.

Mr. DREWRY. But the vacancies that have already occurred must be filled, and they must be filled if the selection board met to-day instead of meeting next month. They would then have a chance to get this higher rank, but, as you say, something might happen to some of those men before they could be selected. They might have a chance to get the higher rank within the next 30 days, but they might be precluded from getting it a year from now. As I understand it, this bill comes in because of the desire to give those men an opportunity to get the higher rank before the selection board meets. Now, why is it not fair to let everybody know that the selection board meets at a certain time, and let all of them take their chances?

Then Admiral Leigh makes no satisfactory explanation and Mr. DREWRY says:

When they go into service they must take their chances, just as we have to take our chances on having our constituents send us back.

Page 3258 discloses the following information which is very pertinent and important just here.

Mr. VINSON. There should not be any promotion until the vacancy occurs.

Admiral LEIGH. There will not be any promotion until the vacancy occurs.

Mr. VINSON. But he goes on the eligible list, which is a promotion, because they must take him from that preferential list.

The fact is that this bill was changed so that Mr. BRITTEN did not recognize it, for on page 3284 of the hearings we find him asking this question:

Mr. BRITTEN. This was not in the bill before the committee in the last Congress?

Admiral LEIGH. It was in the bill reported out, House bill 12535, Sixty-ninth Congress.

The next witness is Captain Taussig, who testifies on page 3289:

Mr. VINSON. How does this law itself insure more efficient officers reaching command and flag rank when we still have the selection board with the same list of officers to select from?

Captain TAUSSIG. I do not know that this law does insure any more than the past law on that phase of it. I think as far as that part of it is concerned, the most efficient officers reach command and flag rank. That is in the hands of our selection boards and this law does not give the selection board any more power than the last law.

Page 3291 of the hearings:

Mr. VINSON. There is nothing in this bill to change the method of selecting officers by the selection board?

Captain TAUSSIG. No, sir.

Page 3296 of the hearings:

Mr. VINSON. Is the hump you speak of caused by the officers who are not Naval Academy graduates, who came in during the war?

Captain TAUSSIG. That is one of the humps.

Mr. VINSON. How do you dispose of that hump?

Captain TAUSSIG. This hump is not disposed of in this law until they get to the top of the lieutenant commanders' grade, unless they fail in their promotion.

Page 3302 of the hearings:

Mr. VINSON. That is true; but you probably find men who have served long years in the Navy and during the war received commissions as lieutenant commanders, some of them 35 years of age, who may not be able to pass this professional examination, which is one of the necessary things that they must be able to comply with before they can be promoted. So they go out with one year's pay. But another warrant officer who received a commission during the war as a lieutenant, and who was 46 years of age when he came on for examination, goes on the retired list. Now, it looks to me as though you are trying to do justice on account of the apprehension that he can not pass a physical examination in the latter instance, but in the first instance you put the yardstick on them just as you do on any other officer. Now I think you are making fish of one and fowl of the other on account of the age.

Let me suggest that they "are making fish of one and fowl of the other"; that Mr. VINSON was right then and wrong now. The ones discriminated against are the ones who came up from the ranks and who are not graduates of the Naval Academy. It is proposed that 600 of them shall be eliminated by this bill. The proponents of this vicious bill remind me of the fellow who is trying to catch a frying chicken to kill. He throws out the grains of corn and calls, "Chick!" "Chick!" in most endearing terms. Then he gets affectionate and reminds them that he does not want to hurt them; that all he means to do is to ring their heads off. That is what they are doing in this bill—ringing the heads off of 600 who have come up from the ranks, 600 who, according to our distinguished chairman, know how to handle ships but who do not understand Greek and Latin and possibly might make some mistake in the use of the knife and fork. George Washington did not know much about Greek and Latin; perhaps he did not know much about the proper use of the knife and fork; and were he here to-day he would be eliminated under this nefarious bill. We have too much social climbing in the Navy to-day and too less of practical horse sense. I may be "old-timey," but I have great respect for the rank and file. I have great respect for those who have labored under adverse circumstances and who have shown their worth in spite of such circumstances. If we should eliminate from our country's history that great crowd who did not know the ordinary rules of "etiquette," but who had a lot of "horse sense," the history of our country to-day

would be entirely different; and instead of having the United States of America we would be subject to Great Britain, with no glorious and inspiring history to teach us that we have a free democracy where no one is so humble but that his faintest whisper may be heard; that no one can get so high but what the strong arm of the law will pull him down. I am not in favor of retiring those who came up from the ranks and became officers in the Navy because they do not fit into the social equation. I am against building up a naval caste in this country. One of the objects of this bill is to retire 600 officers who came up from the ranks during the war. They are the backbone of the fighting Navy of this country. I am against retiring men at 45 years of age. It will be a deplorable condition when we have a lot of men of that age loafing around drawing retirement pay while the taxpayers are having to dig up for it. There is no justification for it. No reason for it, and yet that is what this bill proposes to do. The hearings before the Naval Affairs Committee of the House and before the Rules Committee, which brought in this nefarious rule, discloses the intent of the powers that be.

Under these hearings and under the testimony there is no excuse for even the "wayfaring man" to make a mistake. I assert that the rank and file in the Navy do not know the provisions in this bill. If they know, they are afraid to protest. I make this statement despite the argument made by the gentleman from Alabama [Mr. OLIVER]. In the Army and Navy Register, under date of July 27, 1929, under the heading "Service Personnel Legislation," the following statement is made:

> The penalty of court-martial obviously confronts any officer of the Navy or Marine Corps who undertakes to foil the plans of the Navy Department for the enactment of legislation that is submitted to Congress with urgent request for its adoption by the House and Senate as a measure intended and destined to meet an emergency.

If you have any doubt about that statement, then let me call your attention to a statement made by William D. Falaise, a high ranking officer in the Navy:

> Whenever promotion by selection is under discussion in Congress good care is taken by the hierarchy that only those in favor of the system appear before the committees of Congress. Those opposed to the system and the victims of the system are not permitted to testify.

I have never heard a witness before the Naval Affairs Committee oppose any bill offered there along this line. The hierarchy know who to call, and only those favorable can be heard. Mr. OLIVER of Alabama is simply mistaken. He does not know the Navy Department is in the grasp of a select few who think of their own interest and not of the interest of the rank and file.

While we are dealing with this subject and while the chairman of our committee is reciting in his report on this bill a history of the "selection board," it is worth while to consider just how that "selection board" has functioned. William D. Falaise, a high ranking naval officer, has had the courage to tell us something about it, and in the preface of the document he published on that question he says:

> This pamphlet was written by an officer of the Navy of high rank who had no personal grievance against the selection system, but who felt, after careful consideration, that allegiance to the Navy itself demanded an indictment of this pernicious system.

He further says:

> Without the aid of that system [promotion by selection] our country had won all its wars, including the Great War of 1917–18 (for promotion by selection had been in operation so short a time that it had no effect), and had shown a loyalty, an efficiency, an esprit de corps, and an unconquerable spirit that was admired and emulated by the rest of the world and that could never hope to be surpassed.

He further says:

> It is the kind of treatment of officers that shakes to its very foundation the confidence of the Navy in its ranking officers. The traditions of the Navy are a national heritage and any board or bureau that impairs those traditions does a disservice to the United States. Promotion by selection is a grave menace to the efficiency of the United States Navy. It has already done much to destroy the contentment, the loyalty, and the service spirit of the commissioned personnel for which the Navy has had such an enviable reputation since its establishment and without which it will fail in its mission to safeguard this country. In 1916 the method of promotion by seniority theretofore in vogue in the Navy was modified, in so far as promotion to the grades of commander, captain, and admiral was concerned, to promotion by selection by a board of nine admirals. Promotion by selection has therefore been in effect in the Navy for a period of 14 years, and an examination of the results obtained by this method is of interest. In theory, promotion by selection is ideal, for, if carried out to perfection, it would insure the promotion of the officers of outstanding ability only, and the Navy would gain by the more rapid promotion of such officers to the higher grades at younger ages, enabling the officers promoted to remain in the higher grades for a longer period. The ideal results to be looked for from such a system will always be modified by the fact that the members of the selection board are human and are subject to human errors. These errors include conscious or unconscious personal prejudice against an officer, of which certain members of the board could not rid themselves. These errors also include a natural and unavoidable disposition by each member of the board to vote for a good officer who has served under his immediate command rather than to vote for an officer who has never come under his personal observation, even if the official record of the personally unknown officer is superior to the record of the personally known officer.
>
> The intent of the section law is to promote only those officers of outstanding ability, but in actual practice the intent of the law has not been carried out; for in the Navy, as in civil life, frequently the power of preferment is used to reward those who are liked and to punish those who are disliked. It is known beyond a doubt that personal prejudice for or against has far greater weight with certain members of the selection board than official records and service reputation.
>
> While the law requires at least four adverse votes out of a total of nine to prevent an officer being promoted, it is known throughout the naval service that even if one member of any selection board is strongly opposed to the promotion of any officer, and so expresses himself, as he would do, other members of the board who might otherwise vote for that particular officer would be so influenced by the opposition of one member to make it fairly certain that at least three other members of the board would cast their votes against the officer who was under consideration and thereby prevent his promotion.
>
> While the intent of the law was that if any officer was passed over by one board, the fact that he had been so passed over should not prejudice succeeding boards against him, practically an officer who has once been passed over is done for because of the disinclination of one selection board to reverse the action of a previous board. This disinclination is accentuated by the fact that any board always includes admirals who were members of the preceding board. Admirals who have served as members of selection boards have stated that only under extraordinary circumstances would they vote to promote an officer who has been previously passed over. An examination of the selections made shows clearly that it is very seldom that an officer who has once been passed over is ever selected by any succeeding board.
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> To cite specific instances to support the statement made in the last paragraph: The records of the selection boards of 1925, 1926, 1927, 1928, and 1929 show that out of 32 captain selected for promotion to admiral by these five boards not 1 officer was selected who had been passed over by any previous board, and the records of the selection boards of 1926, 1927, 1928, and 1929 show that out of 115 commanders selected for promotion to captain by these four boards only 8 officers were selected who had been passed over by any previous board.
>
> In the selection especially of captains for promotion to admiral the selection boards have made such grave errors in judgment, both among officers selected and among officers passed over, and their selections have at times been so influenced by personal antagonism and by personal favoritism as to convince the Navy that the boards can not perform this important duty with justice and equity. The membership of the 1927 board (convened in June) was made public in April. Immediately the rumor started and was widespread that Captain "Z," who stood twenty-ninth on the list of captains, would be the last captain on the list selected to be admiral. This rumor was based on the fact that Captain "Z" had lately served directly under and was a warm personal friend of the two senior members of the board. The board selected 11 captains to be admirals, and Captain "Z" was the eleventh. To select him the board passed over 18 captains, several of whom were excellent officers fully deserving of promotion.
>
> Under the previous system of promotion by seniority, all captains were promoted to admiral, many of them were admirals of high grade, others were not. Promotion by selection has not resulted in improvement in the average quality of admirals. It is the consensus of opinion of the Navy that of the present list of admirals at least 25 per cent of them are not proper material to hold that rank. If the captains, commanders, and lieutenant commanders of the Navy were required to record by secret ballot which of the 57 admirals on the active list (January 1, 1930) they would be willing to follow into battle, these keen junior observers have so accurately estimated the admirals that 13 or 14 of them would receive a very heavy adverse vote, and these 13 or 14 could be named by practically any officer. How is this system of promotion regarded by the officers themselves? One admiral, who has been a member of various selection boards, has stated that it was the most unpleasant duty that he had ever been called upon to perform; that "selection" was robbing the officers of the Navy of independence, of fearlessness, of moral courage, and of initiative, and making the Navy an organization of "yes, yes" men as far as the commissioned officers were concerned.

Another admiral expressed himself as follows:

Promotion by selection is the worst thing that has ever been inflicted upon the Navy. It has never done the Navy any good; on the contrary, it has done the Navy great harm. It is destroying the morale of the Navy.

Another admiral who has served on various selection boards has stated:

If the arguments and statements made by certain members of the board that prevented the promotion of Captain ——— were made public, it would result in the biggest scandal the Navy has ever had.

Another admiral has stated:

I have come to the conclusion that the ways of selection boards are past finding out, and that it is impossible to figure the reasoning they went through, if any, in selecting certain officers for promotion and passing over others.

Admiral Benson, who was Chief of Naval Operations during the war, stated in no uncertain terms before the House Naval Committee (in the case of Captain Belknap) that promotion by selection was a grave error that would seriously and adversely affect the efficiency of the Navy.

An absolutely definite indication of how promotion by selection is regarded by the officers themselves is shown by the large number of captains who have retired upon their own application in the last seven years, since the evils of promotion by selection have become apparent. There are 33 captains who have thus retired, none of whom had been passed over, as they had not been reached by the selection boards. All of these officers were young, energetic, and able-bodied when retired, and the list of 33 includes some of the most brilliant and successful officers that the Navy has developed. All of these captains are doing very well in civil life. One of the ablest of them all expressed himself thus:

I have an excellent record—none better—and I love the Navy, but I am not certain of promotion to admiral * * *. Remember what happened to Belknap, not to mention others whom the selection boards have slaughtered. I have an excellent opening now in civil life. I'd be an utter fool to continue on the active list of the Navy for two or three more years with the risk of being passed over for promotion to admiral and then be retired on the same pay that I can retire on now.

In the last three years (1927-1929) 298 officers, Naval Academy graduates, in rank from ensign to lieutenant commander, have resigned. Many of them give as their reason, "Uncertainty of promotion beyond the grade of lieutenant commander—that is, 'promotion by selection.'" Why should the officer who has outside opportunity offered him remain in the Navy? He feels that no matter how brilliant his record, he will not be promoted to high rank if a member of the selection board harbors a prejudice against him. The following are some of the officers of outstanding ability who were considered for promotion by various boards, but who were passed over, with the record in brief of the officers concerned: Reginald Belknap, Mark Bristol, J. F. Hines, A. W. Hinds, M. C. Mustin, Allen Buchanan, T. A. Kearney, and K. M. Bennett.

REGINALD BELKNAP

(All information herein relating to Belknap is from official records)

An officer of outstanding ability and exceptional services from the time that he was a young officer, who has performed duties of great responsibility with great credit to the Navy. About 1909, while a comparatively young officer, he was in the Mediterranean at the time of the volcanic eruption and earthquake in southern Italy and Sicily. He took charge of the immediate operations of rescuing, housing, transporting, and feeding the thousands of Italians involved in this catastrophe. He received letters of appreciation from the Department of State, the Navy Department, and from the King of Italy, who desired to award Belknap with membership in one of the highest orders of Italy.

During the Great War he was given command of the organization of the mine-laying squadron, and actively commanded that squadron in laying the northern mine barrage in the North Sea. During the period of organization (November, 1917, to March, 1918) eight merchant ships were altered and equipped to join to the nucleus of two ships from the former mine force. The mine-laying squadron consisted of 10 mine layers, commanded by captains or commanders, and averaging 21 officers and 420 men each, a total of 210 officers, 4,200 men, and had an aggregate mine-laying capacity of 5,600 mines (carrying 800 tons of T. N. T.) in less than four hours. Mine-laying operations began in the North Sea on June 7, 1918. There were 13 American mine-laying excursions and 11 British. In all, over 70,000 mines were laid, of which four-fifths were American. The capacity and performance of the converted American mine layers was the subject of much favorable comment and careful study by the British admiralty. The northern mine barrage in the North Sea was characterized in the Secretary of the Navy's Annual for 1918 as "the outstanding antisubmarine project of the year * * * one of the most successful efforts of the whole war." The commander of the United States naval forces in European waters declared it—

One of the finest accomplishments of the Navy on this side * * * the admiration of foreign navies * * * of considerable moral effect on the German naval crews * * * caused no small amount of panic in some of the submarine flotillas * * * probably played a part in preventing raids on allied commerce by fast enemy cruisers.

The official records credit it with six or eight enemy submarines sunk and as many more disabled or turned back. And, wherever referred to, the operation has been mentioned as an exceptional undertaking which reflected great credit on the Navy of the United States. It had much to do with shortening the war and the consequent saving of scores of thousands of American lives. The Secretary of the Navy, in his report for 1918, named Captain Belknap for his "service in mine laying, deserving commendation in this report." And on recommendation by his immediate superior, by the commander in chief, Atlantic Fleet, and by the Chief of Naval Operations, the distinguished-service medal was presented by the President to Captain Belknap, with this citation:

For exceptionally meritorious service in command of Mine Squadron 1, of the mine force, during the operation of laying mines in the North Sea, and his excellent work in connection with the equipping of these ships for mine-laying duty.

American initiative, ingenuity, enterprise, faith, and push forced this undertaking on the doubting British Admiralty. In the American Navy also not a few doubted its successful outcome. Discredit and chagrin, besides great loss and waste, would have attended its failure. Success of the whole barrage depended first upon its preparation, the coordination of which was under Captain Belknap's immediate charge, and its effective placing depended decisively upon the American mine-laying squadron, which from its beginning in 1914 with a single ship was organized and developed under his command. In the Atlantic crossing in the first six, two extra, and last four mine-laying operations (12 out of a total of 13), and the homeward passage of the still mine-laying squadron, Captain Belknap was the senior officer present in personal and supreme command of the mine squadron. After the war, Belknap was on duty at the Naval War College as director of training for higher command, for which he showed marked aptitude. He then commanded the new battleship *Colorado*, making her one of the most efficient ships in the Navy. Belknap was repeatedly recommended by his superior officers for advancement to the grade of admiral. In any other Navy in the world, Captain Belknap would have been immediately promoted to admiral for his services in the Great War, but under the method of promotion by selection in the United States Navy, this officer was passed over by three successive selection boards for promotion to admiral, and these boards selected officers who were markedly inferior in comparison with Belknap. He was finally forced on the retired list as captain. Congress, in passing an act promoting him to be an admiral on the retired list, rendered him such justice as was then possible. It is common belief in the Navy that the slaughtering of Belknap was caused by the intense personal enmity of an admiral who was a member of the first two selection boards that considered this brilliant officer. It is understood that the last board that passed over Belknap decided by a majority vote, as a preliminary measure, that they would not

consider any captain who had been passed over by any previous board. That understanding is based upon a statement by one of the members of that board.

If correct, it would seem that the board, in certifying that: "The board has carefully considered the case of every officer eligible for consideration under the provisions of this law," had knowingly signed a false certification, and based on that certification four captains were selected to be admirals and eight captains—five of whom, including Belknap, were most efficient officers—were again passed over, "not having been considered" by the board. The case of Belknap is known throughout the Navy. Its effect has been appalling. It has destroyed the Navy's faith in the justness of a considerable portion of its highest personnel.

MARK L. BRISTOL

Mark Bristol was another officer of splendid ability. During the war, as a temporary admiral, he commanded the naval base, Plymouth, England, and was awarded the Navy distinguished-service medal and a letter of commendation by the War Department. He assumed command—as a temporary admiral—as senior naval officer in Turkey on January 15, 1919, and was appointed as United States high commissioner to Turkey on August 16, 1919. Bristol's work as high commissioner to Turkey is one of the highest achievements that any officer of the United States Navy has ever accomplished, as is indicated by the following letter from the President of the United States:

RAPID CITY, S. DAK., *June 20, 1927.*

It is with sincere regret that I accept your resignation as high commissioner in Turkey. For more than eight years you have been an ambassador in all but name, and an ambassador, moreover, charged with duties of unusual difficulty and delicacy. The success which you have achieved, the position which you have secured for the United States in Turkey, has been notable in the annals of American diplomacy. In the name of the United States Government and in my own name, I thank you for your services, and I wish you every success in the new and important duties upon which you are about to enter as commander-in-chief of the Asiatic Fleet.

Very truly yours,

CALVIN COOLIDGE.

Rear Admiral MARK L. BRISTOL,
*United States Navy, care Navy Department,*
*Washington, D. C.*

Yet, after Bristol had been acting with great ability in Turkey, with all the responsibility and prestige that went with that office, for nearly a year prior to the meeting of the 1920 selection board, that board was so incapable of appreciating the inestimable value to the United States of Bristol's work and the great prestige he was adding to the Navy's reputation that it passed him over and promoted eight officers over his head, not one of whom was as competent as Bristol. Bristol was selected by the 1921 selection board, and one of the reasons he was then selected was because President Harding had expressed his emphatic disapproval of the passing over of this officer by a previous board, and the 1921 board understood that no list of promotion to admiral would be approved by President Harding unless it included the name of Mark Bristol. But his selection by the 1921 board did not restore to him the eight numbers he had lost by being passed over by the 1920 board.

J. F. HINES

An able and brilliant officer. Awarded the Navy cross and the Army distinguished-service medal for services in the Great War. After the war he commanded the battleship *Pennsylvania* when that ship won the prize of standing highest in battle efficiency. Passed over for promotion to admiral and retired as a captain.

A. W. HINDS

An officer of outstanding ability and efficiency; awarded the Navy cross and a special letter of commendation from the War Department for services in the Great War. An excellent battleship captain. Was also chief of staff of the Scouting Fleet and then chief of staff of the battleship divisions of the Battle Fleet. Passed over for promotion to admiral and retired as a captain.

H. C. MUSTIN

(All information herein relating to Mustin is from official records)

An officer of unusual ability, who was brilliant in several lines of endeavor in the Navy. Extracts follow from his record: Awarded the Santiago battle medal and West Indies campaign medal for active service in the Spanish War. While in command of the gunboat *Samar* in the Philippine insurrection he was specially commended in the dispatch of the commander in chief Asiatic Station for his part in the action at San Fabian, Luzon, during the landing of Brigadier General Wheaton's brigade. Received official letter of commendation from Capt. B. H. McCalla, United States Navy, for conduct in action at the landing of the U. S. S. *Oregon's* battalion at Vignan, Luzon Island, and for swimming through the surf with dispatches during a typhoon at San Fernando, Luzon. Awarded the Philippine campaign medal. Mustin was one of the Navy's first aviators, having learned to fly in 1912 (Navy air pilot's certificate No. 3 and Aero Club of America's expert aviator's certificate). The naval air station at Pensacola, Fla., was established under the direction of this officer in January, 1914. He was in command of all of the operations of all naval aviation before and during the occupation of Vera Cruz, Mexico, by the United States forces in 1914, and was awarded one of the 1914 Aero Club of America's medals of merit for these services. Ordered to Europe in the early days of the war, his observations and reports upon the progress of aviation in the allied countries were of great value. In January, 1918, he was awarded the gold life-saving medal for going overboard from the battleship *North Dakota* and rescuing a seaman who was washed overboard in a winter gale off Cape Hatteras. In February, 1918, ordered to special duty for developing material and training personnel for a series of air raids on Heligoland and the northern German submarine bases which were planned for the spring of 1919, but not carried out because of the ending of the war. Commissioned captain (temporary) September 21, 1918, for meritorious services during the Great War.

In May, 1919, ordered to duty with Assistant Secretary of War Crowell as a member of the American Aviation Mission to Great Britain, France, and Italy to study and report on aviation organizations and material abroad. Wrote valuable report on information gained. Received the order of the Crown of Italy. Commanded the naval aviation base at San Diego, Calif., and in 1920 he was appointed assistant chief, Naval Bureau of Aeronautics. There has never been an officer in the naval service who had a finer record for personal bravery and heroism, and few officers whose services have been of greater value to the Navy and to the country than Mustin's, and in testimonial of this fact, following his death in 1923, the Navy flying field at Philadelphia was named for him. And yet he was passed over by several selection boards for permanent promotion from commander to captain and dropped from his class of 1896 down to the middle of the class of 1900, losing 71 numbers in grade. While he was finally promoted to captain, his belated advancement did not restore the 71 numbers he had lost.

ALLEN BUCHANAN

Graduated No. 2 in his class at the Naval Academy. An officer of exceptional ability, whose record was always most commendable. He was awarded the congressional medal of honor with this citation:

Distinguished conduct in battle, engagements of Vera Cruz, April 21 and 22, 1914; commanded first seaman regiment, was in both days' fighting and almost continually under fire from soon after landing, about noon of the 21st, until we were in possession of the city about noon of the 22d. His duties required him to be at points of great danger in directing his officers and men, and he exihibited conspicuous courage, coolness, and skill in his conduct of the fighting. Upon his courage and skill depended in great measure success or failure. His responsibilities were great and he met them in a manner worthy of commendation.

The award of the Navy cross was made him for distinguished conduct in active service overseas during the Great War. Passed over by several selection boards for promotion from commander to captain and dropped from the top of his class of 1899 to the bottom of the class of

1900, losing 55 numbers in grade thereby; was finally selected for promotion to captain, but his belated advancement did not restore the numbers he had lost.

T. A. KEARNEY

While Assistant Chief of the Bureau of Ordnance in 1916–1918 was primarily and principally responsible for the initiation, manufacture, and organization of the 14-inch naval gun railway batteries and their railway crews, whose service in France played such havoc with the Germans during the great allied offensive in 1918. Commanding officer of the flagship *Brooklyn* and chief of staff to the commander in chief of the Asiatic Fleet, 1919. In 1919–1921, with the rank of captain, he commanded the United States naval forces in the 3,000-mile Yangtse River patrol—an admiral's job—in cooperation with a British admiral and a Japanese admiral during a time of great unrest among the Chinese themselves and between the Chinese and the Japanese. Kearney's vision, tact, and ability to cooperate with all parties accomplished remarkable results with the minimum of friction, and with little or no loss of life among Americans or due to Americans. He established such cordial relations with the Chinese that he received a high military order from the Chinese Government. In 1922 he was designated from among all the captains in the Navy for a most responsible duty, that of assistant chief of staff to Admiral Vogelgesang, the first chief of the United States Naval Mission to Brazil, a duty of the highest importance and offering opportunity for gaining far-reaching advantages for the United States in South America.

Passed over for promotion to admiral by the 1928, 1929, and 1930 selection boards.

K. M. BENNETT

Another officer of outstanding ability. While in command of the U. S. S. *Castine* in 1916 he performed a most noteworthy feat in taking his ship to sea from the harbor of Santo Domingo City in the teeth of a hurricane—at the same time and place the U. S. S. *Memphis* was driven ashore, a total loss. This feat of Bennett's, in resolute courage and consummate seamanship, surpassed that of the captain of the H. M. S. *Calliope* at Apia, Samoa, in 1889. In recognition Bennett was awarded a letter of commendation from the Secretary of the Navy. For services during the Great War he was awarded the Navy Cross and a letter of commendation from the War Department.

Passed over for promotion to admiral by the 1927, 1928, 1929, and 1930 selection boards and retired as a captain.

The above cases by no means exhaust the list. Other excellent officers have been passed over because of erroneous entries and incorrect diagnoses on their medical records, of which they were in ignorance, and while some of these officers have had their medical records corrected and have been selected by subsequent boards, the loss of numbers they have suffered through errors of this character have been a permanent loss. There are two other cases of officers who have been passed over that are of unusual interest to the naval service for the reason that any officer may find himself in the same situation—the cases of Commander Cleary and Captain Gherardi, both of whom were incapacitated for sea service on account of wounds received in the line of duty. These two officers are entitled to the benefits of section 1494 of the Revised Statutes, which reads as follows:

> The provisions of the preceding section [requiring physical ability to perform duties at sea] shall not exclude from the promotion to which he would otherwise be regularly entitled any officer in whose case such medical board may report that his physical disqualification was occasioned by wounds received in the line of duty and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted.

This section of the Revised Statutes has been the subject of several opinions from the Attorney General, all strongly upholding the absolute and unqualified right to promotion of such officers if they can perform shore duty. Cleary and Gherardi have been repeatedly denied their promotion by the selection boards because their wounds received in the line of duty prevent their performing duty at sea, and for no other purpose.

A captain who, while holding a high position in the Navy Department, was involved in the oil scandal, and was regarded by a great body of the citizens of the United States as being of the same type as Fall, Doheny, and Sinclair. While he was generally considered by the officers of the Navy as possessing personal honesty and integrity, still the Navy knew that he was largely responsible for the transfers of the naval fuel oil reserve lands from the custody of the Department of the Navy to the custody of the Department of the Interior, and was also largely responsible for the leases made between the Secretary of the Interior Fall, Doheny, and Sinclair. For his part in this transfer and these leases the great majority of understanding naval officers consider him guilty of one of the gravest errors of judgment ever committed by an officer of the United States Navy; yet at this very time he was selected to be an admiral by the selection board that passed over Reginald Belknap. President Coolidge very properly refused to send this officer's name to the Senate for confirmation as an admiral, and he was retired as a captain.

A commander who was tried by a general court-martial in time of war and sentenced to a loss of 35 numbers in grade and deprived of the command of his ship for "conduct to the prejudice of good order and discipline" and for "culpable negligence and inefficiency in the performance of duty in time of war." Selected to be a captain by a selection board.

A commander who was tried by a general court-martial and sentenced to a loss of 6 numbers for scandalous conduct and intoxication. Selected to be a captain by a selection board.

A commander who was tried by a general court-martial and sentenced to a loss of 10 numbers for grounding and damaging his ship. Selected to be a captain by a selection board.

A commander who was selected to be a captain by a selection board. As he was well known to his associates as a care-free officer of indifferent ability, given to hasty and ill-founded decisions, it appeared that his principal qualification for promotion rested on the fact that he was the son of a prominent admiral. His first sea duty in his new rank was "commander of a squadron of destroyers." Some months after he took command, when at sea in bad weather, this officer, in violation of all of the dictates of prudence and common sense, and disregarding the advice of some of his subordinates and the plain indication of danger shown by radio signals from a radio-compass shore station, ran his squadron on the rocks, resulting in a total loss of seven destroyers, valued at $22,000,000 and a loss of 22 lives. He was tried by general court-martial and found guilty of "culpable negligence and criminal carelessness." This officer was responsible for the loss of nearly as many ships as the Navy lost in 18 months of the Great War. The inability of the selection boards to select only the best officers is well exemplified in this case.

Promotion by selection was intended to secure the promotion of only those officers whose outstanding ability was recognized by the entire naval service, and in such case there would be no resulting discredit to those who were passed over. In actual operation, the system has never functioned as intended. On the contrary, it has been so operated that the entire naval service regards being passed over as the greatest blow to his prestige that an officer can suffer. The only thing that is more damaging to an officer's reputation than being passed over is to be dismissed from the naval service by sentence of a general court-martial. Each of the many capable and efficient officers who has been passed over and has been compelled thereby to serve under officers who for many years were his juniors, is a nucleus, remaining on the active list, of discontent of bitterness and a sense of injustice that has been continually growing until the entire commissioned personnel has been affected.

The officers of the Navy in the old days were "a band of brothers," of loyal comradeship who were forgetful of self for the good of their comrades, their Navy, and their coun-

try. Inquiry of and conversation with a considerable number of the senior officers of the Navy who are immediately affected by the system convince one that the method of promotion by selection as conducted in the Navy has had a most serious effect upon the contentment and efficiency of the commissioned personnel. It has practically destroyed the old feeling of loyal comradeship. Officers are in a constant state of unrest, uneasiness, and uncertainty. It has been demonstrated that no matter how loyal, conscientious, and efficient an officer may be, as shown by his record and the general service opinion, he is not sure of his promotion. On the contrary, an officer who is shown by his record and is known in the service at large as being relatively incompetent may be selected for promotion even to the highest grade. As a result, conditions have reached the point where many an officer considers beforehand any action he may take, not in the old light of "Is my contemplated action right and to the best interest of the Navy?" But in the new light of "What effect will my contemplated action have upon my chances for selection?" It is realized that to have a good chance for promotion, a captain must have had an important, spectacular command. As there is a scarcity of these commands, it behooves each captain to secure one for himself, and if, by "catering" to some admiral, he can secure it, even by "cutting the throats" of classmates and brother officers, why that is the lookout of the classmates and brother officers. He is forced by the system to serve his own interest—a policy of "save yourself and the devil take the hindmost." Each year when the recommendations of the selection board are made public it is the main topic of discussion in the Navy for days. The board in its recommendations are, many times, adversely and bitterly criticized, and when even an officer like Reginald Belknap, Mark Bristol, Mustin, or Buchanan is passed over the news is greeted with derision and expressions of contempt for the method of selecting and of the selection board. Promotion by selection has largely destroyed the feeling of trust and confidence that the other officers of the Navy should be able to repose in the officers of the highest grade.

The question naturally arises, if promotion by selection is so bad for the Navy, why do not the admirals who control the Navy bring its bad features to the attention of Congress and recommend changes in the law governing promotions? The answer is simple—it is this: Any military organization, by its very nature, is the hierarchy which is ruled by its small upper grade (admirals or generals), the members of which are responsible to themselves. The Navy hierarchy presents a perfect solidarity, and anything done by any member or group thereof, be it ever so erroneous or detrimental to the Navy, will be upheld by the full hierarchy which will resist to the utmost the reversal of any act of a member if he is in good standing among them. Many of them are so egocentric that they honestly believe that the Navy would collapse like a pricked balloon if the actions of any one of them were reversed. Furthermore, the present-day admirals have reached the top over the destroyed hopes and ambitions of many of their brother officers, and are thenceforth above the workings of the selection system. Former dislike and fear of the system are soon forgotten by these admirals, and the ever-present realization of the fact that promotion by selection gives them an absolute control of the Navy and exacts a personal service and a loyalty and an unquestioned acceptance of their dicta from the officers under them, which they never had before and never would have under any other system of promotion, creates a state of mind akin to that of all dictators.

Promotion by selection as applied in the Navy is directly contrary to the principles of American justice. While an officer under consideration may know that one or more members of the selection board are bitterly antagonistic to him, he can not protest the consideration of his case by such member. The proceedings of the board are secret. Officers under consideration are not permitted to be present either personally or by counsel before the board, and no matter how erroneous or unjust the action of the board in the case of an individual officer may be, that officer has no appeal from its decision, and he is never officially informed of the reasons why he is passed over so that he can make an honest endeavor to improve in that particular so as to better his chances before the next board.

While the law does not deny the officers under consideration the right of personal appearance before the board, officers requesting such a personal hearing have been denied it by the "hierarchy."

Quite contrary to this pernicious, unfair, and unjust practice, an officer who is believed to have committed an offense, serious enough to warrant disciplinary measures is always called upon for an explanation. If this is not satisfactory, a court-martial is ordered upon him. He is present in person before the court-martial and represented by counsel. Informed beforehand of the charges against him, he has had time to prepare his defense. He has the right to object for cause to any member of the court, and if his objection is sustained, as it frequently is, that member is not permitted to sit in judgment upon him. He can cross-examine the prosecution's witnesses and call witnesses in his own behalf. He is privileged to present documentary evidence, and can take the stand in his own behalf. And, even if the court finds him guilty of the offense charged against him, his case is carefully gone over by several reviewing authorities, including the Chief of the Bureau of Navigation, the Judge Advocate General, and the Secretary of the Navy, all of whom carefully consider the evidence, and if error or injustice is found, the right to mitigate, set aside, or disapprove the findings and sentence of the court is exercised by the reviewing authority.

These reviewing authorities are fair-minded and unprejudiced, and will give the officer under trial the benefit of the doubt, as in the procedure in civil courts, and even if found guilty, the court-martial, unless it dismisses him from the Navy, can not inflict any punishment that can be as severe and nasty in its effects as the punishments inflicted by the selection board. The secret methods of the selection board, from which there is no appeal, would not be tolerated for an instance in any other walk of American life. An alleged criminal on trial before any legal body in the United States, regardless of his previous record, has a right to a trial before judge and jury, where he is present with counsel and informed of the charges against him. His legal rights are safeguarded and the right of appeal from the decision of the court of first instance to that of several superior courts is his to exercise. But the loyal naval officer who has served his country practically all his life, to the best of his ability, who has again and again jeopardized life and limb, and who stands ready at any time to make the supreme sacrifice for his country, is tried and judged in secret, condemned without a hearing, and punished without being informed of his offense and without being granted an appeal.

It is evident from a careful examination of the procedure of the selection boards and of the results obtained that the sooner this method of promotion is abolished or radically modified, the better it will be for the contentment and the morale of the commissioned personnel and the efficiency of the Navy itself.

The Navy is to be used in the future, as it has been used in the past, to safeguard the interests of the people of the United States. Does not then a duty devolve upon the people and upon the Congress to see to it that the Navy continues to be "the strong arm of the Nation"; that it should be as it has been heretofore, and to remove this grave menace to the Navy before the present pernicious system of promotion to the highest grades completely undermines its morale and permanently impairs its efficiency.

Thus we have the opinion of one naval officer about the selection board, but we did not get it from the hearings.

Section 4 of the bill is subject to the criticism emphasized by the report of the Senate Committee on Commerce on a bill to coordinate public-health activities submitted to the Senate on January 18, 1930. A similar bill was vetoed by former President Coolidge on May 18, 1928, on the ground that there was an attempt to limit his constitutional authority. The veto message contained the following statement:

This act contravenes section 2, Article II, of the Constitution of the United States, in that it creates offices of the United States

to be filled by appointment by the President, with the advice and consent of the Senate, and at the same time not only limits the choice for appointees to such offices to persons who possess the qualifications of passing an examination conducted by a board of officers convened by the Surgeon General of the Public Health Service, but also limits the choice among individuals possessing such qualifications, to persons who are recommended by such board, and by the Surgeon General, thereby attempting to vest in such board and in the Surgeon General participation in the Executive function of appointment of officers of the United States, which function can be vested in and exercised only by the President, with the advice and consent of the Senate, the President alone, the courts of law, and heads of departments.

The provisions upon which this statement was based have been entirely eliminated from the pending Public Health Service bill.

In his message to Congress on December 3, 1929, President Hoover said:

Our Army and Navy are being maintained in a most efficient state under officers of high intelligence and zeal. The extent and expansion of their numbers and equipment as at present authorized are ample for this purpose. We can well be deeply concerned at the growing expense. From a total for national defense in 1914 of $267,000,000, it naturally rose with the Great War, but receded again to $612,000,000 in 1924, when it again began to rise until during the present fiscal year the expenditures will reach $730,000,000, excluding all civilian services of those departments. Programs now authorized will carry it to still larger figures in future years. While the remuneration paid to our soldiers and sailors is justly at a higher rate than that of any country in the world, and, while the cost of subsistence is higher, yet the total of our expenditures is in excess of those of the most highly militarized nations of the world.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Chairman, I did not intend to be unfair in my discussion on the rule as to what the chairman of the Naval Affairs Committee said before the Rules Committee with respect to why he wanted to get rid of these officers of the Navy who rose from the ranks. There are about 600 of them, and I want to read to you from the hearings before the Rules Committee what was said in reference to that matter. I am going to pass from place to place and only pick out the material parts of the discussion.

I realize that the gentleman from Georgia [Mr. VINSON] has never had these sentiments of snobbishness. He has been telling me that there is no snobbishness in this bill. I believe him, and he is arguing to other Members that there is no snobbishness in this bill, but he can not get away from the statement of the chairman of the committee, the gentleman from Illinois [Mr. BRITTEN], who desires to see a caste set up in America:

Mr. BRITTEN. There are some 600 men who came out of the ranks during the war and became officers. They did not expect to be line officers when they came into the service.

Mr. BANKHEAD. Are many of these highly paid officers clamoring for retirement?

Mr. BRITTEN. These men are men who came out of the ranks of enlisted men, with no particular scholastic education. It is true they knew how to handle ships, and during the war we promoted them by giving them the rank of ensigns and then from that they went to lieutenant grade, finally to lieutenant commanders, but many of them would like to retire because of the equation which they find in the service.

The "equation" and, of course, a stenographic or a printed record does not display the mannerism of the gentleman who is uttering the remarks.

Mr. BANKHEAD. You say it will induce them to retire?

Mr. BRITTEN. This will allow them to retire after they have reached 45 years of age. The higher officers, 99 per cent of them, outside of the 600, come from the Naval Academy.

Mr. MICHENER. What is the theory of retiring men 45 years of age?

Mr. BRITTEN. We are going out of the way to allow these men to retire at 45 who are unable to compete or qualify or equip themselves for the higher grade and who simply stand in the way of others. * * *

There are 600 of them, say, who have had no advanced education in the subject of electricity or navigation or engineering, and none whatever in the languages, for instance.

Mind you, none of these 600 men ever had any training in Greek or Latin. They are not qualified. Please listen to this:

Mr. O'CONNOR. After this remark about their training in the languages, do you not know and realize that they must understand Latin in order to steer a ship?

[Laughter and applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BRITTEN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. OLIVER].

Mr. OLIVER of Alabama. Mr. Chairman, in this short time I can not undertake the discussion of the provisions of this personnel bill. The bill I believe is well drawn, well considered; it passed the House once and has passed the Senate and is not justly subject to many of the criticisms you have listened to. Ad hominem arguments may please sometimes, but are not very persuasive in an intelligent consideration of important constructive legislation.

Take, for instance, the question asked by the distinguished gentleman from Idaho [Mr. FRENCH] of the gentleman from Georgia [Mr. VINSON] with reference to what he would fix as the salary of this or that officer. Such questions have absolutely nothing to do with this bill. Irrelevant? Of course they are.

I will say to the gentleman from Idaho that I think I know something of the provisions of the pay bill. I was the one member who submitted a dissenting report on that bill. It is generally recognized now in many of its provisions as an unjust bill, and some day when the facts are known to this House you will, with wonderful unanimity, right the injustices and wrongs thereby done to many now commissioned in the service not only of the Navy but of the Army and the other allied services.

The questions asked and not answered had nothing in the world to do with this bill.

Perhaps in the short time allowed me I might also add that much has been said here in defense of those splendid men who received commissions in 1920, and many of the speakers have exhibited great enthusiasm in their behalf and have expressed alarm and apprehension lest great injustice would be done them by this bill.

Perhaps the best way to answer that is to say that this bill has not been kept in secret—there is not a man in the service who came up from the ranks that does not know its provisions. Two years ago or longer it passed the House, it has also passed the Senate, and been open to the study of all men in and out of the service for more than two years, and I venture now to declare that no one on the floor has heard any complaint of the bill from those who were commissioned from the ranks in 1920, and in whose behalf pathetic appeals have been uttered.

The gentleman from Idaho wisely acquiesced on yesterday in an amendment placed on the pay bill by the Senate that would have been subject to a point of order in the House, whereby liberal provision is made for the men who were commissioned in 1920 and who might, by the harsh provisions of existing law, been placed in a very embarrassing position had not liberal retirement privileges been accorded them under the Senate amendment.

This bill is not just what I would want it to be; and if I had the writing of it, I would change several provisions; but in the main I think you will find that it seeks to do justice to the officer personnel of the Navy. I have been here a good many years, and I have yet to find any important constructive legislation that represents the individual views of any single Member. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BRITTEN. Mr. Chairman, I ask that the Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That so much of the naval appropriation act approved August 29, 1916 (Stats. L., vol. 39, p. 576; U. S. C., title 34, sec. 4), as provides: "That the total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of 1 of the grade of rear admiral to 4 in the grade of captain, to 7 in the grade of commander, to 14 in the grade of lieutenant commander, to 32½ in the grade of lieutenant, to 41½

in the grades of lieutenant (junior grade) and ensign, inclusive:" is hereby amended to read as follows: "That the total number of commissioned line officers on the active list at any one time, exclusive of commissioned warrant officers, shall be distributed in the proportion of 1 in the grade of rear admiral, to 4 in the grade of captain, to 8 in the grade of commander, to 15 in the grade of lieutenant commander, to 30 in the grade of lieutenant, to 42 in the grades of lieutenant (junior grade) and ensign, inclusive: *Provided*, That no officer shall be reduced in rank or pay or separated from the active list of the Navy as the result of any computation made to determine the authorized number of officers in the various grades of the line."

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. The gentleman from Alabama [Mr. OLIVER], whom we all love, said that none of these 600 officers who could be retired under this bill had any objection to it. Of course, you won't find objection from any man who has a chance to be retired at 45 years of age on three-quarters of his salary for life. Any person will agree to that, because they get their pay for life and can then sell all of their time to big corporations for big salaries additional. Of course, that meets with their approbation, but what I am thinking about is the American people, who will have to pay the bill, who are not willing to retire able-bodied men at 45 years of age on three-quarters of their salaries for life.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I have only five minutes.

Mr. BRITTEN. Let me correct the gentleman.

Mr. BLANTON. If the gentleman can correct me in half a minute, I yield to him.

Mr. BRITTEN. It is not 75 per cent of their salary. It is two and a half per cent per annum for their total service, not to exceed 75 per cent.

Mr. BLANTON. There never has yet been a bill written for and by the Navy or the Army Department that has not been written in such technical language that not a single Member of the House can understand what it means. We know this, that the 600 officers are to be retired under this bill on retired pay at 45 years of age, and that is what I am objecting to. And we know that some will be retired on three-fourths pay for life. There have been admirals in the service retired on admirals' pay, thereafter drawing for years $50,000 a year from private corporations. I can name you General Harbord, and other generals who have been retired on generals' pay in the Army, drawing for years $50,000 a year from private corporations. It is not right. They were all educated by the people at tremendous expense.

I once heard my distinguished colleague from Texas, Mr. Black, state on this floor that the time would soon come, if we kept on, when we would have half the people retired on big retirement pay, with the other half of the people working hard trying to earn enough money to pay their salaries. It ought to stop. This bill ought to be killed. We ought not to retire any able-bodied man at 45 years of age.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. The gentleman did not have time to yield to me, but I always yield. Is the gentleman in favor of retiring able-bodied men at 45 years of age?

Mr. OLIVER of Alabama. That is a fair question, and I will answer it, and I will ask that the gentleman be granted more time if I consume too much of his time.

Mr. BLANTON. I doubt whether in this impatient atmosphere the House would give it.

Mr. OLIVER of Alabama. There are existing laws now providing for retirement at the ages of 45 and 56. This bill does not affect those laws. Vote down this bill, and it would not change them. These laws were here before the gentleman came, they were here when I came, under which officers at the ages of 45 and 56 are retired if not selected for promotion, and that is why the gentleman unconsciously does an injustice to this bill by calling attention to retirements provided for in laws passed by other Congresses.

Mr. BLANTON. Since the gentleman has taken most of my time, I shall try to use the balance of it. We should repeal every law that retires able-bodied men under 60 years of age. If we set this precedent by passing this bill, under which these 600 naval officers will be retired at 45 years of age, although able-bodied and sound mentally, you will set a precedent that will later on retire every other officer in the Army and Navy and the Marine Corps, and the Coast Guard, able-bodied and sound at 45, for they would likewise ask for retirement at 45 years of age. Are you men in this House who are strong, able-bodied men 45 years of age willing to admit that when a man reaches the age of 45 years he ought to be retired? There have been men here, like Uncle Joe Cannon, who served in this House until they reached almost twice the age of 45, and they rendered to the last good service to the public.

In this disorder and impatient atmosphere this bad bill will pass, and we can not stop it, and we will not be able to force a record vote, but we can protest against it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. O'CONNOR of New York. Mr. Chairman, I rise in opposition to the pro forma amendment. I did not complete my statement of what happened before the Committee on Rules. Of course these 600 men, in answer to the gentleman from Alabama [Mr. OLIVER], who are going to be permitted to retire at the age of 45 are not complaining. Naturally. They are going to be retired at huge salaries, thousands and thousands of dollars, as high as $7,800, I believe. They are not complaining. They are being kicked upstairs into retirement to get them out of the service because they do not fit socially. The distinguished chairman of the Committee on Naval Affairs, that great patriot, the social lion from Chicago, has said that these men did not understand the languages. I have yet to find out what the knowledge of Latin or Greek has to do with steering a ship.

Mr. BRITTEN. I might have said the same thing about the gentleman from New York himself.

Mr. O'CONNOR of New York. Oh, I will gladly take the social lion from Chicago on any time when it comes to intelligence. He said they were not mentally qualified. Here are his own words:

> You know the difference in caliber between the men who graduate from the Naval Academy and those who come up from the service.

All right! If the gentleman from Illinois wishes, in line with his social ambitions to establish caste in America, I shall not say "more power to him," but rather let him try it in this country and in these days of real democracy.

The Clerk read as follows:

SEC. 2. The selection board established by the act of August 29, 1916, shall be convened at least once each year and at such times as the Secretary of the Navy may direct. The Secretary of the Navy shall furnish the selection board with the names of all officers who are eligible by law for consideration by said board for selection for promotion as herein authorized, together with the record of each officer. Each board shall recommend for promotion from among those officers who are eligible such number as may be directed by the Secretary of the Navy, which number shall be 10 per cent of the authorized number of officers in the grades to which promotions are to be made as determined by the existing computation, and in addition thereto the number, if any, of vacancies then existing and which may occur on or before June 30 in said grade in excess of the number of officers in the next lower grade on the promotion list provided for in section 4: *Provided*, That if the number of officers in any grade on the promotion list is in excess of the number of vacancies then existing and which may occur in the next higher grade on or before June 30, as aforesaid, and said excess shall equal or exceed 10 per cent of the authorized number of officers in said next higher grade as above determined, the number to be furnished the board for recommendation for promotion to said next higher grade shall be reduced to 8 per cent of said authorized number: *Provided further*, That if the number of officers in any grade on the promotion list shall at any time be insufficient to fill vacancies then existing and which may occur in the next higher grade prior to the convening of the selection board next ensuing, the Secretary of the Navy may, in his discretion, convene a selection board to recommend for promotion such additional number of officers as may be necessary to fill said vacancies.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. McCLINTIC] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC of Oklahoma: Page 3, line 24, add "*Provided*, That no officer shall be promoted or retired until the findings of the board shall be approved by the President of the United States."

Mr. McCLINTIC of Oklahoma. Mr. Chairman, every Member of the House should desire to deal fairly with every class of officer in the Navy or Army. It has been repeatedly brought to your attention that it is the object of this legislation to retire approximately 600 officers at the age of 45. The chairman of the committee has made that statement in his testimony. If that is true, then, we who are interested in giving to those officers that which is called a square deal should be willing to allow the findings of the board to be reviewed by the President of the United States. Not only is that a bad situation with respect to the board, but there is nothing in this bill to prohibit a member of the board considering his own promotion when serving in that capacity. I say to you without fear of contradiction that there exists to-day in the United States Navy a prejudice on the part of naval graduates against those who come up from the ranks. Everybody who has had time to make an investigation of that subject knows it to be true. Therefore, if you want to be fair, if you want to deal with these men who are entitled to have some one sponsor their cause, then vote for the amendment which will cause the action of the selection board to be reviewed by the President of the United States, and then you will know they will get a fair and just deal.

Mr. BRITTEN. Mr. Chairman, if the gentleman's amendment is adopted, every warrant officer, every machinist's mate, every carpenter in the Navy must submit his record to the President of the United States before he can be promoted in these minor grades.

Mr. McCLINTIC of Oklahoma. They should be submitted to some higher power, then there could be no complaint from any source.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. McCLINTIC].

The question was taken; and on a division (demanded by Mr. McCLINTIC of Oklahoma) there were 25 ayes and 91 noes.

So the amendment was rejected.

Mr. McSWAIN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, and ladies and gentlemen of the committee, some emphasis has been laid on the fact that the Senate unanimously passed this bill. The Senate on the second day of the present Seventy-first Congress, now nearly two years ago, passed unanimously a promotion bill for the Army, and that promotion scheme came to this House, and is resting, securely embalmed with the Committee on Military Affairs, and as far as I can remember now, nobody has ever opened his mouth about bringing it up for consideration in the full committee. [Applause.]

The unanimous passage of such a bill as this or the other bill to which I referred, under the circumstances, means nothing at all. Now, what is the obvious fact? If this bill becomes law, in a very few months there will not be an officer in the United States Navy except those who graduated from the Naval Academy. Now, I am for national defense. I am for a good Navy and a good Army, and I would regret it as a most unfortunate thing for the Army for anything approaching 75 per cent of the officer personnel of the Army to be graduates from the Military Academy. It is a fortunate fact, a fact of which I am proud, that to-day practically only 30 per cent of the officer personnel of the Army is composed of graduates of the Military Academy, and the rest of them came from the rank and file, came out of the mass of civilian emergency Army officers, who are natural and tested leaders of men.

It has been said that these officers, who came up from the ranks, do not have all the refinements of higher mathematics and foreign languages; that they do not know French and German; do not know differential calculus or analytical geometry and all such things. I may say to the gentleman from Illinois [Mr. BRITTEN], who has paid a tribute to those members of the officer personnel of the Navy by calling them "the backbone of the Navy," that they may not know so much about higher mathematics but they know the ship.

Mr. HOUSTON of Hawaii. Not necessarily.

Mr. McSWAIN. They do know the ship; and the graduates of the Naval Academy never get their hands greasy or dirty on the ship. Not one of them got dirty or greasy even while they were midshipmen except when carried on a little experimental or practice cruise.

I will ask the gentleman where did John Paul Jones learn his higher mathematics? [Applause.]

Where did David G. Farragut learn his higher mathematics? [Applause.]

Where did Horatio Nelson learn his higher mathematics? [Applause.]

Mr. Chairman, my opposition to this measure is fundamental. Undoubtedly the graduates of the Naval Academy are well educated and therefore able to comprehend the broad problems of naval strategy as well as the narrower problems of naval tactics. But when it comes to the intimate and personal knowledge of seamanship and the handling of a vessel under emergencies, that is something which may be learned only by long years of experience and may not be acquired from books. Of the more than 80,000 young men who enlist in the Navy, undoubtedly there are many thousands who have natural ability, fine character, and great ambition. These young men should be encouraged to hope for a career in the Navy. With this encouragement, they will make better seamen and will be promoted more quickly as a result of their attention to duties and their study of the general problems of naval warfare. If the door of hope is to be shut in their faces, and if they are to be told that they can never rise above the grade of chief warrant officer, then they will not exert the same energy and not be stimulated by the same initiative that they would be if the way were open for them to rise to the highest place in the Navy.

Mr. Chairman, I am proud that some of the highest officers of the United States Army have entered the Army as enlisted men. That is true, also, of the British Army. That great soldier, Sir William Robertson, who represented the British Nation on the Inter-Allied War Council for a part of the time during the World War and held in the British service a position analogous to our office of chief of staff, entered the army as a private soldier. By diligence, by study, and by devotion to duty he overcame all obstacles, he overcame a strong feeling of caste and official prejudice in the British Army and, finally, by force of his personality and by the power of his accomplishments, compelled the recognition of the leaders of the British Nation and was knighted at the hand of the British King.

So, Mr. Chairman, it has often been in the history of American Armies. I hope it will be true many, many times in the future. We must leave hope for advancement in the hearts of men if we may expect them to do their very best. It was so in the early days of our Navy. But under the program contemplated by this bill, all of those splendid officers of the Navy who were commissioned during the war period because of their superior ability as leaders and because of their unusual knowledge of naval problems will be eliminated and then there will be no officer in the United States Navy except graduates of the United States Naval Academy.

Let us be perfectly frank about the situation. I feel sure that more than 50 per cent of the young men who go to the Naval Academy would have accepted an appointment to the Military Academy if they could have gotten the latter and not the former. In other words, the majority of the young men in seeking these appointments have no special choice of the Navy over the Army, nor of the Army over the Navy. As a matter of fact, they are merely seeking a free education with a prospect of going into the service of the Government at a guaranteed salary to commence with, and with an assurance that they will be advanced from time to time as they grow older and more experienced.

Mr. Chairman, if I were seeking for a superintendent of a cotton mill I would not pick out a graduate of Harvard University, however much theoretical knowledge he might have of the textile art. I would pick a man out of the cotton mill, who entered as a boy and who had worked through all the grades in the cotton mill and who knows not only the machinery but who knows the people, their ways, and wishes and, therefore, knows how to handle both the man and the machine. So, in like manner, if I was seeking the manager of a large store I would not pick out a graduate of Princeton University, however much he may have studied the theory of commerce and the academic problems of finance. I would pick out a man who had risen from doorkeeper or cash boy through all the grades of salesmanship, and through all the stages of buying, until he knew the mercantile business from the bottom to the top. So as to the president of a bank. So as to the superintendent of a farm.

In other words, it is more important that the managers and superintendents of these businesses should be men who know the business, rather than know books about the business. Therefore, if I were selecting the captain for a war vessel, who should know every piece of machinery in the ship, who should know what to do in case of storm, who should know how to guide the vessel in conformity with the commands of the admiral in time of battle, I would pick out some man of the 80,000 American citizens in the Navy, who entered the Navy before he was 20 years of age, who had lived on the boat maybe for 20 or 30 years, who had worked in every part of the boat, who had traveled over all the seas, who had experienced storms of all degrees of ferocity, who had maneuvered the boat under every difficulty or variety of position, and who, therefore, could take charge of the boat and the crew upon the boat, just like a boy raised on a western farm can handle a young horse. Such a captain of a boat, we find often in the mercantile marine. These old skippers have sailed over the face of the earth many times, have braved a hundred storms, they know the sea in all its moods, and they know the sailors in all their moods. They can, therefore, handle every situation as it arises. The heroism, the fortitude and the cool judgment of these old mercantile marine sea captains have commanded the admiration of the thoughtful people of the earth for hundreds of years. They have responsibilities to face and to discharge every day of the year, and the constant meeting of their responsibilities develops them. It is not like the naval officer, who has a chance at annual sham battles, except during the war periods which are very occasional, and we hope will gradually grow more remote.

One other thing, Mr. Chairman, about this bill. It is the principle of permitting selection boards to decide who may be advanced and who must be retired. As a member of the committee on Military Affairs and knowing something of the spirit of the Army, I think I can say safely that such a system of promotion would not be thought of for the Army for one minute. It is true we have selection boards for the selection of general officers, but from second lieutenant through the grade of colonel men rise by seniority, provided they can pass the examinations. If they can not pass the examinations, then they are dropped from the rolls and thus penalized for their inattention to duty. But if a selection board were permitted to meet in secret and to pass upon the qualifications of officers in secret, and there to decide who might be promoted and who must be retired, would be so repugnant of the sense of military justice as not to be countenanced for the Army a single minute. Under such a system the selecting board would be bombarded in behalf of relatives and friends, sons and sons-in-law, nephews by blood and nephews by marriage, all operating in a secret selecting board on the principle of "you tickle me and I'll tickle you," which will certainly not make for the selection of the highest merit and the strongest character. Certainly no man ought to be discharged from the Navy or retired until he is given a chance to show out in the open before either the President or a separate and independent board appointed by the President that he has the ability and has the knowledge and that he can carry on the work. Of course, Mr. Chairman, I believe in education, but I know that there is such a thing as education without formal scholastic training.

I know that education, in a true and genuine sense, means mental discipline and spiritual discipline, both combined into one compact personality, called character. This mental discipline may be obtained anywhere. This spiritual must be obtained anywhere. Books and teachers are a great help to education, but there are many educated men who never went to a college, and on the contrary, there are men who went through college and received diplomas but are not genuinely educated. Education results in ability to accomplish results, and to do worthwhile things. Some of the most efficient and useful men I know never got a high-school education in the ordinary sense, but they received a high education from the school of experience, from the college of duty well done, and from the university of contact with the very real forces of the world. Such men are, in fact, truly educated.

So, Mr. Chairman, I properly asked the question as to where John Paul Jones was educated, and where were educated all those truly heroic leaders of the Navy, like Decatur and Preble and Farragut, and many others? Through the daily discharge of duty extending over long periods of years, they were developed into real leaders of men, knowing the ship and knowing the sea, and knowing the human forces operating the ship, and knowing the fighting machinery upon the ship and having acquired all this knowledge by intimate personal character, they were constantly in complete possession and the master of themselves, of their crews, and of their vessels.

I would not abolish the Naval Academy, and I would not discourage the graduates thereof, but I would increase the number of midshipmen who may come from the rank and file of the Navy. In fact, I am disposed to believe that it would be the best thing for every midshipman appointed by a Member of Congress to be required to serve one year with the fleet as an ordinary seaman before entering the academy. Thus he would have first-hand knowledge of the life of the ordinary seamen, and therefore have an understanding of their feelings, and be able better to command them in the future. In the next place, he would be able to decide if he would like the life of the Navy. If he should not like it at the end of one year he could resign and not clutter up the student body with young men not interested in the Navy and not seeking careers in the Navy but merely seeking a free education. But if it comes to pass that all the officers of the Navy of high and low degree are graduates of the academy and have no first-hand knowledge, by actual personal experience, of the work and life and feelings of the enlisted men of the Navy, then the Navy will be to that extent weakened and to that extent the efficiency of the Navy as a force of national defense decreased. I stand for the application of the broad principles of American democracy to the Army and the Navy. All can not be equal in rank nor authority, because there are different degrees of natural ability and character, but all should have an equal opportunity at the beginning.

This principle has made America great in business, great in industry, great in invention, and great in finance. It is a sound principle for application anywhere and at any time.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BRITTEN. Mr. Chairman, I move that all debate on this section and all amendments thereto close in seven minutes.

The motion was agreed to.

Mr. CONNERY. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. CONNERY. Mr. Chairman, I asked for this time for the purpose of interrogating the chairman of the committee. On general principles I am in favor of this bill, but I certainly do not want to vote for any bill which will discriminate against the enlisted personnel of the Navy who

have become officers in favor of the Annapolis graduates. [Applause.] I would like to ask the gentleman from Illinois a question or two. I have been conferring with some gentlemen on my side of the House and have been informed that there is a provision in the bill which will discriminate against the enlisted man who may have become an officer. I have been told that there is a provision in the bill which provides that if an enlisted man has become an officer and desires to do so he can go back to his rank as a warrant officer and receive higher retirement pay than he would if he had remained an officer. Is that true?

Mr. BRITTEN. That is correct. The committee as a whole feels as the gentleman does about these men. This is a relief measure for them and they themselves wrote the language that is in the bill.

Mr. CONNERY. I do not agree with my distinguished colleague from South Carolina in his criticism of the Annapolis graduates. I believe these men have greased their hands and have gone out and taken practical tactical training on their cruises. They have done everything which will tend to make them good officers in the Navy. Furthermore, I do not want to criticize any of our Annapolis men in their duties as officers in the Navy. There possibly may be a discrimination in favor of the Annapolis graduates and against enlisted men; and, of course, I would not approve of that for a moment; but if the chairman assures me that there is no discrimination in this bill against the enlisted man becoming an officer, then I will be glad to vote for the bill.

Mr. BRITTEN. The gentleman from Massachusetts may be fully assured that this bill is in the interest of the very men he is talking about.

Mr. McCLINTIC of Oklahoma. Will the gentleman yield?

Mr. CONNERY. Yes.

Mr. McCLINTIC of Oklahoma. On page 4, at the top of the page, the gentleman will find this language:

Except as provided in section 7, captains, commanders, and lieutenant commanders, who shall not have been recommended for promotion to the next higher grade by the report of a line selection board as approved by the President prior to the completion of 35, 28, or 21 years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a line-selection board, and any officer in said grades shall likewise be ineligible for consideration who on June 30 of the calendar year of the convening of the board shall have had less than four years' service in his grade.

In other words, if he fails, he is ineligible and out he goes.

Mr. O'CONNOR of New York. And every one of the 600 men whom the Chairman said the purpose of this bill is to retire at 45 years of age, because they do not know the languages, is an enlisted man.

Mr. CONNERY. Every one of the 600?

Mr. O'CONNOR of New York. Every one of the 600 men is a man who came up from the ranks. Let the gentleman deny that.

Mr. BRITTEN. Of course, everybody understands that but the gentleman himself.

Mr. O'CONNOR of New York. Well, what are the facts? Is it not the fact that every one of the 600 men that you want to retire under this bill is an enlisted man who came up from the ranks?

Mr. BRITTEN. Everybody who has talked on the bill has said that very same thing five or six times, but the gentleman did not understand it.

Mr. O'CONNOR of New York. Oh, yes; I understood it.

Mr. CONNERY. After listening to both sides of this question, Mr. Chairman, I have decided to vote for the bill. [Laughter and applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I rise in opposition to the pro forma amendment.

I have asked for recognition for two minutes to make a statement in connection with the speech made a few minutes ago by my distinguished friend from South Carolina [Mr. McSWAIN], for whom I entertain the warmest affection, as do other Members of the House, because we regard him as a man of outstanding ability and one who would not knowingly mislead the membership of this House.

I will say to my friend that I was a member of the legislative committee when we extended larger opportunities to the enlisted men to enter the academy at Annapolis, and there are in the service to-day some of the finest officers who have come from the enlisted ranks, and some of these have been commissioned as admirals.

One hundred appointments are now given to the enlisted men. We first started with 25 and afterwards increased it to 100, and at my suggestion at this session, we have sought by law to exclude from unfair competition with the enlisted man the college boy who comes prepared to take the entrance examination. If you could go into the Navy and find its officers of high rank volunteering to give freely of their time in training these enlisted men on ship and shore so that they may qualify for the entrance examination to Annapolis, you would then understand that there is no feeling against the enlisted man. I would like to increase the number of appointments given the enlisted men to 200, and surrender, if necessary, some of our congressional appointments, if assured that announced number from the enlisted ranks can qualify for the entrance examinations so as to pass from the academy into the commissioned ranks of the Navy. [Applause.]

The Clerk read as follows:

SEC. 3. Except as provided in section 7, captains, commanders, and lieutenant commanders, who shall not have been recommended for promotion to the next higher grade by the report of a line selection board as approved by the President prior to the completion of 35, 28, or 21 years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a line-selection board, and any officer in said grades shall likewise be ineligible for consideration who on June 30 of the calendar year of the convening of the board shall have had less than four years' service in his grade: *Provided*, That the commissioned service of Naval Academy graduates, for the purpose of this section only, shall be computed from June 30 of the calendar year in which the class in which they graduated completed its academic course, or, if its academic course was more or less than four years, from June 30 of the calendar year in which it would have completed an academic course of four years: *Provided further*, That except as provided in section 7, officers of any grade commissioned in the line of the Navy from sources other than the Naval Academy, shall become ineligible for consideration by a selection board when the members of the Naval Academy class next junior to them at the date of their original permanent commission as ensign or above become ineligible for consideration under the provisions of this section.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLINTIC of Oklahoma: On page 4, in line 18, after the word "years," strike out the balance of the section.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I respectfully desire to call the attention of the committee to these words:

That except as provided in section 7, officers of any grade commissioned in the line of the Navy from sources other than the Naval Academy, shall become ineligible for consideration by a selection board when the members of the Naval Academy class next junior to them at the date of their original permanent commission as ensign or above become ineligible for consideration under the provisions of this section.

Now, if this is not the finest tailor-made language that was ever devised on the top side of the earth to kick these officers out, then I need somebody, other than members of the committee, to tell me what such language means. What are you going to do? Destroy your Navy? Are you going to fix it so that nobody unless he comes from the Naval Academy can be charged with such responsibility in the future?

If we had adopted such a policy during the period of our Revolutionary War, we would not have any nation to-day; and when you tell me that nobody but naval officers shall be commissioned in the future, then I say that you strike down initiative, you strike down ambition, you strike down everything that is necessary on the part of an officer to take care of an emergency, because you know just as well as I do that when it comes to quick perceptive capabilities those who come from the ranks, those who come from the farms,

those who come from the common people are always the ones that put forth the right kind of initiative at the proper time; and I protest with all the vehemence within my power against any such provision in a bill. I think this part of the bill ought to be stricken. [Applause.]

Mr. BRITTEN. Mr. Chairman, I rise in opposition to the amendment.

The proviso which the amendment aims to strike out of the bill is the very proviso inserted in the bill to give these former enlisted men, who are now commissioned officers, a preference over those who came out of the Naval Academy. The amendment should be voted down.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. All officers who are not on the promotion list and who, after completion of the designated periods of service as prescribed for their respective grades, become ineligible for consideration by a line-selection board in accordance with this act, or who, if on said promotion list, undergo the required examinations for promotion and are found not professionally qualified, shall be transferred to the retired list of the Navy. All lieutenants who are 45 or more years of age, or who have completed 20 or more years of service, counting all service for which they would be entitled to credit for voluntary retirement, and who undergo the required examination for promotion to lieutenant commander and are found not professionally qualified, shall be transferred to the retired list of the Navy: *Provided*, That if such lieutenants were permanently appointed as ensign or above in the permanent line of the Navy while holding permanent warrant or permanent commissioned warrant rank in the Navy, they shall have the option of reverting to such permanent warrant or permanent commissioned warrant status in the lineal position to which their seniority would have entitled them had their service subsequent to such appointment been rendered in the status to which they revert.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 26, after the word "Navy," strike out the balance of the section.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, this amendment would have the effect of striking out of that section of the bill the language which relates to the retirement of those 45 years of age, and who no doubt have come up from the ranks. In addition, it would prevent penalization of those who were formerly warrant officers, causing them to revert to their former status, going back several grades.

The House knows very well that the subject I have been talking about is referred to in this legislation in three or four places. It has been testified to by the chairman of the committee that it was the intention to rid the Navy of a certain class of officers. When you take into consideration that there is this in the mind of those who have graduated from the Naval Academy—the feeling that those who have not graduated are not competent to perform the service—if you favor that idea, you will vote against the amendment, but if you are in favor of allowing these men who come up from the ranks an opportunity to remain in the service you will vote for the amendment.

Mr. BRITTEN. Mr. Chairman, if this amendment was adopted, it would take away from the enlisted man who has become an officer his permanent right to revert to his original warrant grade if he wants to. In many instances he will want to go back to the former warrant grade, because it will be best for him to do so. If he does want to go back, the provision that the gentleman moves to strike out would permit him to do so. I think the amendment should be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. O'CONNOR of New York) there were 20 ayes and 79 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 6. Officers retired pursuant to any section of this act shall receive pay at the rate of 2½ per cent of their active-duty pay multiplied by the number of years of service for which they were entitled to credit in computation of their longevity pay on the active list, not to exceed a total of 75 per cent of said active-duty pay: *Provided*, That because of variations in the date of entry into the Naval Academy of members of the classes of 1906 to 1916, inclusive, ranging from June to September, a fractional year of nine months or more shall be considered a full year in computing the number of years of service of members of those classes by which the rate of 2½ per cent is multiplied.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 7, strike out section 6.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, this section provides for the payment of officers on the basis of nine months per year. If the House wants to establish that precedent I can not prevent it. I am not in favor of legislating nine months to make twelve months. I do not see why such a provision is contained in legislation. Therefore it would seem to me that if the House wants to do that which is right it will not agree that any officer may have credit for one year when he has only served nine months.

Mr. BRITTEN. Mr. Chairman, the amendment that the gentleman from Oklahoma moves to strike out is existing law and has been for 30 years. The amendment should be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The Clerk concluded the reading of the bill.

The CHAIRMAN. There being no further amendment, the committee will automatically rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 550) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes, and he reported the same back to the House without amendment.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time; was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 170, noes 63.

So the bill was passed.

On motion of Mr. BRITTEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4727. An act for the relief of the Federal Real Estate & Storage Co.; and

S. 6254. An act for the relief of United States Marshal George B. McLeod.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 1496. An act for the relief of Edith Barber;

S. 3404. An act to authorize the city of Fernandina, Fla., under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation Fla.;

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico; and

S. 5743. An act to authorize 24-hour quarantine inspection service in certain ports of the United States, and for other purposes.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills and a joint resolution of the following titles:

H. R. 531. An act for the relief of John Maika;

H. R. 2222. An act for the relief of Lourin Gosney;

H. R. 6227. An act for the relief of Elizabeth Lynn;

H. R. 8242. An act for the relief of George W. McPherson; and

H. J. Res. 357. Joint resolution classifying certain official mail matter.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 255) entitled "An act for the promotion of the health and welfare of mothers and infants, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. JONES, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4022) entitled "An act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10672) entitled "An act to amend the naturalization laws in respect of posting notices of petitions for citizenship," 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. JOHNSON, Mr. REED, and Mr. KING to be the conferees on the part of the Senate.

The message also announced that the Senate had concurred in House Concurrent Resolution No. 53, relative to the engrossment and enrolling of bills and joint resolutions during the remainder of the present session of Congress.

RESTRICTION OF IMMIGRATION

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules I call up privileged House Resolution 370, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 370

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 500, further restricting for a period of two years immigration into the United States. That after general debate, which shall be confined to the joint resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Immigration and Naturalization, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment the committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The question is on agreeing to the resolution.

Mr. O'CONNOR of New York. Mr. Speaker, may I have some arrangement with the chairman of the Committee on Rules for time?

Mr. SNELL. We are very anxious to get through with this bill to-night, and it is getting late.

Mr. O'CONNOR of New York. I know that the gentleman is anxious to get through. When this matter was brought before the Committee on Rules the proponents of the bill, the chairman of the committee, and so forth, asked for four hours of general debate, if I recall correctly. Then the matter was discussed in the Committee on Rules. It was decided that not only four hours of general debate would be used, but one hour under the rule. Now, not the proponents of the bill but the Rules Committee reduced it to three hours, with the understanding that an hour will be used in this highly controversial bill on the rule, where there are some six or seven dissenting minority members. We need surely one hour, the usual time under the rule, on this side of the House for a discussion of the matter. I ask the gentleman from New York to yield me 30 minutes.

Mr. SNELL. I would be very glad to give all the time necessary, but it is getting late, and we want to put this bill through to-night [Applause], and because of the lateness of the hour and the lateness in the session I had in mind offering an amendment to cut the general debate from three hours down to one hour. As a matter of fact that will answer every purpose. [Applause.]

Mr. O'CONNOR of New York. Oh, I know with what impetuosity such things are rushed through, but let us be fair about it. There is no reason why we should not be as fair on this matter as on any other matter, when it is determined after due deliberation that this bill requires that much debate to develop the side of the opponents of the measure, in order to determine whether or not Congress should pass it. It is no answer to come in and say because of the lateness of the hour and the closing days of the session that this can not be done. I could mention 20 bills that will not be considered in this Congress because of the closeness of adjournment. Why come in at this late hour and violate all of the real sportsmanship agreement of giving the minority members of the Rules Committee a fair share of time and of complying with the rule of having three hours of general debate.

Mr. DICKSTEIN. Mr Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. DICKSTEIN. This bill has been discussed in committee for almost four months, and we have at least five members of the minority, all of whom would like to have some time. Does the gentleman think it is fair and just to the members of the minority and to a number of Members of the House to cut it down to one hour?

Mr. SNELL. I appreciate the fact that some gentlemen have never been for any immigration bill that has ever been before the House of Representatives, and I am not criticizing the gentleman from New York [Mr. DICKSTEIN] for his attitude on the matter.

Mr. O'CONNOR of New York. And on the other hand there are some who have never been against any immigration bill.

Mr. DICKSTEIN. This particular bill should be discussed, because it is a fraud on the Congress and on the American people, and if the Congress after we get through explaining what the bill proposes to do decides to pass it, then you can close the doors, so far as I am concerned.

Mr. BOX. Mr. Speaker, I hope the gentleman from New York will make the motion to cut this down to one hour, and I hope that everyone who believes in restriction of immigration will vote for that amendment.

Mr. SNELL. Mr. Speaker, I yield 30 minutes to the gentleman from New York and then I shall move the previous question.

Mr. DICKSTEIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DICKSTEIN. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. The Chair desires to make this statement and have the attention of the House. Originally the Chair was asked to entertain a motion to suspend the rules and pass this bill. He thought that the bill was of such major importance that it would perhaps be better, even though the season is so late, to have it brought in under a rule; but if it becomes evident that a filibuster is being conducted, the Chair will seriously consider the question of entertaining a motion to suspend the rules and pass the bill. It is evident that there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

Mr. LAGUARDIA. Mr. Speaker, I move that the House do now adjourn.

Several Members rose and addressed the Chair.

The SPEAKER. The Chair recognizes the gentleman from Connecticut.

Mr. TILSON. Mr. Speaker, I move a call of the House, if we are to go on with the business of the House.

Mr. GARNER. Oh, it is after 7 o'clock.

Mr. TILSON. Does the gentleman want to adjourn?

Mr. CRISP. Mr. Speaker, I move a call of the House.

The SPEAKER. A motion to adjourn takes precedence.

Mr. TILSON. Does the gentleman insist upon his motion?

The SPEAKER. A motion to adjourn has been made.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Does not a motion to adjourn take precedence over a motion to order a call of the House?

The SPEAKER. It does.

Mr. TILSON. I moved a call of the House the moment the Chair declared that there was no quorum present. That is all that I could do.

The SPEAKER. The question is on the motion of the gentleman from New York that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes, 23, noes, 222.

Mr. LAGUARDIA. Mr. Speaker, I demand tellers.

The SPEAKER. As many as favor taking this vote by tellers will rise and stand until counted. [After counting.] Twenty-four Members have risen, not a sufficient number, and the tellers are refused.

So the motion to adjourn was rejected.

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. J. Res. 500) further restricting for a period of two years immigration into the United States.

The SPEAKER. The gentleman from Ohio [Mr. JENKINS] moves to suspend the rules and pass a joint resolution (H. J. Res. 500), which the Clerk will report.

Mr. O'CONNOR of New York. Mr. Speaker, I have been recognized for 30 minutes already.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. JENKINS] to suspend the rules. The Clerk will report the bill.

The Clerk started the reading of the bill.

Mr. O'CONNOR of New York. Mr. Speaker, I have not had my say.

Mr. SABATH. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SABATH. After a gentleman is recognized under a special rule for a certain time and has the floor, can another gentleman take him off the floor?

Mr. DOWELL. Mr. Speaker, I make the point of order the gentleman is not entitled to the floor while the Clerk is reading the bill.

The SPEAKER. The Chair will answer the parliamentary inquiry.

Mr. SABATH. This is a parliamentary inquiry. The Speaker recognized the gentleman from New York [Mr. O'CONNOR] under a special rule which the House passed.

The SPEAKER. The Chair did not recognize the gentleman from New York [Mr. O'CONNOR] who was yielded 30 minutes. The Chair had not recognized him.

Mr. SABATH. The gentleman from New York [Mr. O'CONNOR] had the floor at that time.

The SPEAKER. The Chair had not recognized the gentleman from New York [Mr. O'CONNOR]. The Chair recognized the gentleman from Ohio [Mr. JENKINS].

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry. I know the Speaker intends to be fair.

The SPEAKER. Absolutely.

Mr. O'CONNOR of New York. The resolution by which this bill was brought from the Rules Committee was adopted. What has happened to that?

The SPEAKER. It was not adopted. It was pending a while ago, but it is not pending now. The Clerk will read the joint resolution.

Mr. LAGUARDIA. Mr. Speaker, I rise to a question of privileges of the House.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Under the rules of the House the Speaker can not recognize unless there is a quorum present. I submit we are entitled to a count to ascertain whether a quorum is present, and I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and sixty-five Members are present, a quorum.

The Clerk will report the joint resolution.

The Clerk read the joint resolution (H. J. Res. 500) as follows:

*Resolved, etc.*, That for each of the fiscal years beginning July 1, 1931, and July 1, 1932, respectively, the quota in the case of any nationality for which a quota has been determined and proclaimed under the immigration act of 1924, as amended, shall be 10 per cent of such quota, but the minimum quota of any nationality shall be 100.

SEC. 2. During such fiscal years no immigration visas shall be issued under subdivision (c) of section 4 of the immigration act of 1924, but in each of such fiscal years all the provisions of the immigration laws shall be applicable to immigrants born in any of the geographical areas specified in such subdivision as if each of such areas had a quota for such year equal to 10 per cent (but not less than 100) of the number of nonquota immigration visas issued, during the fiscal year ending June 30, 1930, to immigrants born in such area.

SEC. 3. Whenever before July 1, 1933, the Secretary of Labor, upon the application of any person interested and after full hearing and investigation of the facts in the case, determines that a bona fide employer in the United States needs a person trained and skilled in an art, craft, technique, business, or science, of a particular class and qualifications, and that a person of such class and qualifications can not be found unemployed in the United States, he shall transmit to the Secretary of State his decision, including a detailed statement of the particular qualifications found essential, and the Secretary of State shall transmit such decision to the consular officer. A nonquota immigration visa may be issued to an alien found by the consular officer to possess the qualifications set forth in the decision of the Secretary of Labor and to be otherwise admissible under the immigration laws, at any time between July 1, 1931, and June 30, 1933, both dates inclusive, without regard to quota, but not to exceed 300 in the aggregate of all classes in any one fiscal year. In the case of any such aliens who are subject to the contract-labor provisions of the immigration act of 1917, the decision of the Secretary of Labor shall also be considered, for the purposes of the fourth proviso of section 3 of such act (the so-called contract-labor waiver provision), as his determination of the necessity of importing such skilled labor.

SEC. 4. The provisions of this resolution are in addition to the provisions of the immigration laws now in force, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this resolution. An alien, although admissible under the provisions of this resolution, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this resolution, and an alien, although admissible under the provisions of the immigration laws other than this resolution, shall not be admitted to the United States if he is excluded by any provision of this resolution.

SEC. 5. Terms defined in the immigration act of 1924 shall, when used in this resolution, have the meaning assigned to such terms in that act.

SEC. 6. This resolution may be cited as the "Immigration act of 1931."

The SPEAKER. Is a second demanded?

Mr. DICKSTEIN. Mr. Speaker, I demand a second.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. LAGUARDIA. Mr. Speaker, I object.

The SPEAKER. The vote for demanding a second is taken by tellers.

The Chair appointed Mr. JENKINS and Mr. DICKSTEIN as tellers.

The House divided; and the tellers reported that there were—ayes 153, noes 2.

Mr. LAGUARDIA. I make the point of order that there is no quorum present.

The SPEAKER. There was no quorum on the teller count; but if the gentleman makes the point of order of no quorum, the Chair will count.

Mr. SNELL. Mr. Speaker, do I understand if the motion has been seconded by teller vote this would be the unfinished business on Monday morning?

The SPEAKER. The gentleman from New York objects on the ground that the teller vote does not disclose a quorum. Therefore the Chair will count to see whether there is a quorum present. In case a quorum develops a second will be ordered. [After counting.] The Chair has counted with the utmost care and has counted 238 Members present, a quorum.

So a second was ordered.

The SPEAKER. The gentleman from New York [Mr. SNELL] asked if, when a second is ordered or a quorum is present, this matter would be unfinished business at the

next meeting of the House. The Chair replies, "Yes." The Chair holds it would be unfinished business at the next meeting of the House, inasmuch as a second has been ordered, a quorum being present.

Mr. SNELL. Mr. Speaker, I should like to finish this to-night, but if it is going to take long and we must keep Members late, if it will be the first order of business on Monday, I will prefer a unanimous-consent request that the House adjourn at this time to meet at 11 o'clock on Monday.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. SNELL]?

Mr. SPROUL of Illinois. I object.

Mr. DICKSTEIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DICKSTEIN. As a member of the Committee on Immigration, and one who is entitled to control of the time on this side, can we not make a gentleman's agreement by which this bill will be the first order of business for disposition on Monday at 11 o'clock and give this minority and some of the Members a fair chance for fair American play? If we can get that, we will go on Monday.

The SPEAKER. The Chair holds that if the House now adjourns this will be the first order of business on Monday.

Mr. JOHNSON of Washington. Mr. Speaker, I desire recognition.

It is clear that if this performance of to-night is repeated again on Monday, even if we meet at 11 o'clock, this bill will not get to the Senate in time to be handled over there. That is all there is to it. It must be passed to-night.

The SPEAKER. The gentleman from New York [Mr. DICKSTEIN] is entitled to 20 minutes; the gentleman from Ohio [Mr. JENKINS] to 20 minutes.

Mr. DICKSTEIN. Mr. Speaker, I understand I have control of the time on this side?

The SPEAKER. The gentleman has 20 minutes.

Mr. DICKSTEIN. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. CONNERY.]

Mr. CONNERY. Mr. Speaker, ladies and gentlemen of the House, I am not at all stirred up on this matter so far as getting very excited about it is concerned. I have watched the Speaker of this House since he has been Speaker. I have always had the highest admiration for his fairness and justice in dealing with this House. To-day I am afraid, for the first time, I must make a criticism of the Speaker. I do not know whether it is because the Speaker's dinner hour is approaching that he is getting a little worked up about this. The rest of us are hungry, too. But it seems to me that this is the first time since he has presided over this House that he has ever approached anything that seemed unfair to the American people.

Mr. DOWELL. Mr. Speaker, the gentleman is out of order. He is not discussing the question before the House.

Mr. CONNERY. All right. I will discuss the question before the House, if the gentleman wants to take it that way.

Mr. DOWELL. The gentleman should proceed in order.

Mr. CONNERY. This is a question which affects vitally every State of the Union to-day, and I do not believe that anybody in their sane, thoughtful moments on this side or on that side of the House would want to rush through legislation that should have consideration.

You are going to pass it. That is all right. But in the name of the American people and justice, give full consideration to this bill. Do not try to rush it through under suspension of the rules, when you know it is one of the most important things before the American people to-day. That is all I have to say. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker and Members of the House, you can all see this is a contentious subject. I have not time to go into detail as to this bill, but it is a correct bill. The United States is not dividing families. The enforcement of the present 1924 restriction law limits the chances for wives to come to about 10 per cent. We want that continued by law and not by regulation, until business recovers in the United States. The State Department can not stand the pressure. The same thing goes on at the doors of State and Labor Departments that you see going on here.

This bill is absolutely necessary. The Dominion of Canada has already suspended all immigration for two years, with the single exception of orphan boys who are sent by the churches from the cities of the British Isles to be put on farms and raised, just as thirty and more years ago New York sent its orphan boys out to the West to be adopted and raised and where later some of them became governors of States. Canada has suspended immigration for two years in this world emergency. Mexico has done nearly the same thing. In the last three or four days Canada has placed an embargo on soviet-made goods. Canada is for Canada. It is time for the United States, my friends, to do something for the United States. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Speaker and gentlemen, this bill reduces the quota immigration from all quota countries by 90 per cent. It does not touch nonimmigrant or immigrant of nonquota classes. It takes nonquota countries, such as Canada and Mexico, divides their immigration during the last fiscal year by the figure 10 and gives them 10 per cent of their immigration during last year.

The 10 per cent that comes from quota countries will be used almost wholly by near relatives. Large numbers of near relatives come as nonquota immigrants. The 10 per cent which is thus given to them will be used chiefly by immigrants of the preferred classes.

There is a necessity for this legislation. Your humble servant and others have been trying for 10 years to have enacted legislation of this character, and this House knows it. We have had just such opposition as developed here to-night. If we had passed this immigration bill five years ago, there would be two or three million less hungry men and women in the United States right now.

Talk about constructive legislation! This is constructive legislation. We have allowed labor of the classes that have been coming in from Mexico and elsewhere to accumulate in our centers of industry until there is a greatly increased amount of hunger.

Our State Department has found that under present conditions it needs this legislation. The administration has come to see the matter in an entirely different light, and I am exceedingly grateful that I have the privilege of standing before you to-night and contending for this legislation.

Moreover, I do not see anything in the action that our Speaker has taken to-night that is unbecoming or improper. [Applause.] The time comes sometimes when the Speaker has to rule, and when he is so weak he will not rule we have mobs, and one of the things we are going to need in the American Congress is orderly procedure. There has been nothing disorderly in the Speaker's action, and some of these gentlemen who have gone into such fits of hysteria about the orderly ruling of our Speaker to-night need to go back to some of the old countries and see the hell that has prevailed there, from which we are trying to save America. Pass this bill, gentlemen.

Mr. DICKSTEIN. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, ladies and gentlemen of the House, in parliamentary procedure there is something worse than a filibuster, I may tell the distinguished, 100 per cent American from Texas, and that is rushing through roughshod by mob rule legislation which is controversial and which the proponents themselves admitted would take four hours to properly debate.

O Mr. Speaker, back there in the hills of Illinois, under a little mound, with a single tablet with his name inscribed thereon, lie the remains of a distinguished bearded old gentleman whose immortal soul has undoubtedly left those remains. His bust adorns the main corridor of the House Office Building. He was a notorious Speaker of this House,

a much advertised Speaker of this House; but if there were any power of expression left in his body, or if his immortal soul in heaven had the power to make comment on the happenings of to-day, this 28th day of February, in the year of our Lord 1931, he would express envy at the arbitrary boldness of that "liberal" from Ohio who has made so many arbitrary and unfair rulings to-day, who has made so many quorum counts to-day, who has counted quorum after quorum when none existed. No man in this House is doing more or has done more to pass this un-American, bigoted immigration bill than the "liberal" from Ohio.

Mr. DOWELL. Mr. Speaker, I make the point of order the gentleman is out of order, because he is not discussing the question before the House.

The SPEAKER. The gentleman will proceed in order.

Mr. O'CONNOR of New York. The distinguished gentleman from Illinois, long since deceased, and longer since shorn of his arbitrary powers, would envy his successor's boldness as presiding officer of the House to-day when, for instance, I myself—and I maintain the RECORD will show this if it is not edited, which would not surprise me—when I had already been yielded 30 minutes to discuss this bill, and in the mad rush, the fanatical, hysterical urge to answer the command of the hooded figure which always stalks this Chamber—the liberal from Ohio—brushed me off my feet and recognized the distinguished 100 per cent American from Ohio to suspend all rules of the House so this bill could be rushed through. Incidentally, I call it to your attention that the gentleman recognized is also a "liberal," unprejudiced resident of the Speaker's State—what more can possibly come out of Ohio? The Speaker, and I am sure he must regret it now, violated all the rules in taking me off my feet and brushing me aside and in recognizing the gentleman to suspend the rules in violation of all fair parliamentary procedure in this House this year or in any year in the past.

O gentlemen, I hope that no one on this side of the House, a Member of which has demanded a second, will ever debate the merits of this bill, for the reason that we have no opportunity in this one of the saddest days in the American Congress. Let the Johnsons debate it. Let that phlegmatic patriot from Washington, of the Johnsons only recently arrived, who now wants to keep out all his Scandinavian relatives—Scandinavians who have contributed and can still contribute so much to America. Let him exhibit the cross of the "invisible empire." Let him, with his customary hysteria, rail at the Jews and Italians, but do not, please, anybody on this side dignify this un-American procedure by debating the merits of the bill. It has no merits but must pass to satisfy the howling bigots.

Mr. DICKSTEIN. Mr. Speaker, I yield two minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Speaker, in two minutes I can not debate the merits of the bill and I shall not, nor do I want to. But, Mr. Speaker, if this is an example of the conduct of the House of Representatives, if this is to be evidence of the indispensable spirit of tolerance and of the responsibility of legislators, I think it will pretty soon be time that somebody asks each Member of the House of Representatives to read carefully and soberly his or her oath of office taken on entrance into this Chamber. We are supposedly lawmakers. [Applause.]

Now, I am young as far as membership in this House goes, I know, but, oh, I have been here, on the ground for eight years, watching things with some interest; and the procedure to-night makes me sick at heart. I do earnestly hope there will be a better chance for calm consideration and orderly action than we now have.

I do not direct my remarks against the Speaker, for something tells me that this whole proceeding has been more than a little distasteful to him.

I hope the membership now present will not permit any one man to decide for them, or will not put the responsibility on any one Member, but will themselves take appropriate action, and let this go over until Monday, when we can have a full membership and decent and calm consideration. [Applause.]

Mr. JENKINS. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Speaker, this bill has had the consideration of the Immigration Committee for several years. This is a temporary measure. It is to be effective for two years only.

Nonquota immigration comes to this country at the rate of 100,000 a year. That class of immigration is not affected. The record shows that for every two immigrants coming into the United States one takes the job of an American. I say the time has come when, as between foreign born and Americans, the American shall have the right to keep his work for himself and for his family. [Applause.]

In closing I wish to say that it is with regret that we lose one of the most valuable members of the Immigration Committee, the gentleman from the State of Texas, Judge Box. He has served on that committee for several years with credit to the membership of the House. He has been giving the best of his ability to the bills that have been considered by that committee. The restrictive-immigration policy of this Union stands on our statute books as a result, to a great extent, of his untiring effort and his great ability as a legislator. In saying that his work and constructive statesmanship will be missed by all, I express the thought of the entire membership. This resolution provides for further restriction. On the statute books it will express to the world that America believes that Americans are entitled to protection from foreign competition.

Mr. SNELL. Mr. Speaker, it has become evident that there is much excitement, and it seems to me that it would be better if this matter could go over as unfinished business until Monday. [Applause.]

The SPEAKER. Will the House allow the Chair to make a suggestion? The Chair does not believe that anyone seriously thinks that the Chair would consciously be unfair to anyone or any group. The Chair is never consciously unfair. May the Chair suggest that it is evident that some Members have allowed their tempers to get rather warm, and the Chair would urge that under the circumstances, holding that this will be unfinished business before the House on Monday, that the House accept the suggestion of the gentleman from New York. [Applause.]

Mr. TEMPLE. Mr. Speaker, if the House adjourns now, will the 20 minutes debate on each side begin where we left off to-night?

The SPEAKER. It would. It would be in exactly the same position we are now.

### MEETING AT 11 O'CLOCK ON MONDAY

Mr. SNELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock on Monday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

### ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service;

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes, and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930;

H. R. 9199. An act for the relief of John F. Williams and Anderson Tyler;

H. R. 9599. An act to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horti-

culture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes;

H. R. 15263. An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements or sold to other persons, or for other purposes;

H. R. 16969. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 17071. An act granting the consent of Congress to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River near New Castle, Lawrence County, Pa.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 17. An act to amend section 12 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

S. 988. An act for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army;

S. 1042. An act for the relief of Mary Altieri;

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.);

S. 3924. An act for the relief of the First State Bank & Trust Co., of Mission, Tex.;

S. 4070. An act for the relief of Patrick J. Mulkaren;

S. 4120. An act for the relief of McIlwraith McEacharn's Line, Proprietary (Ltd.);

S. 4353. An act for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.;

S. 4489. An act for the relief of the heirs of Harris Smith;

S. 5083. An act to authorize the Secretary of the Navy to proceed with certain public works at the Naval War College, Newport, R. I.;

S. 5920. An act authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic, to be held at Des Moines, Iowa;

S. 6032. An act amending section 1 of Public Resolution No. 89, Seventy-first Congress, approved June 17, 1930, entitled "Joint resolution providing for the participation of the United States in the celebration of the one hundred and fiftieth anniversary of the siege of Yorktown, Va., and the surrender of Lord Cornwallis on October 19, 1781, and authorizing an appropriation to be used in connection with such celebration, and for other purposes";

S. 6098. An act relating to the adoption of minors by the Crow Indians of Montana;

S. 6099. An act authorizing the Secretary of the Interior to change the classification of the Crow Indians;

S. 6106. An act to authorize the Leo N. Levi Memorial Hospital Association to mortgage its property in Hot Springs National Park;

S. 6136. An act for the enrollment of children born after December 30, 1919, whose parents, or either of them, are members of the Blackfeet Tribe of Indians in the State of Montana, and for other purposes;

S. J. Res 222. Joint resolution relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project; and

S. J. Res. 226. Joint resolution authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

BILLS 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, bills of the House of the following titles:

H. R. 2366. An act authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes, and to amend an act to authorize the acquisition for military purposes of land in the county of Montgomery, State of Alabama, for use as an addition to Maxwell Field, approved July 1, 1930;

H. R. 3309. An act to provide extra compensation for overtime service performed by immigrant inspectors and other employees of the Immigration Service;

H. R. 9199. An act for the relief of John F. Williams and Anderson Tyler;

H. R. 9599. An act to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes;

H. R. 15263. An act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county, or municipal improvements, or sold to other persons, or for other purposes;

H. R. 16969. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1932, and for other purposes; and

H. R. 17071. An act granting the consent of Congress to the State Highway Department of Pennsylvania to construct, maintain, and operate a free highway bridge across the Mahoning River near New Castle, Lawrence County, Pa.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p. m.) the House, under its previous order, adjourned until Monday, March 2, 1931, at 11 o'clock a. m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

869. A letter from the Secretary of War, transmitting a copy of a resolution adopted by the provincial board of the provincial government of Capiz, P. I., on December 20, 1930, protesting against alleged injustices committed against Filipinos in the United States; to the Committee on Rules.

870. A letter from the treasurer of the Washington Rapid Transit Co., transmitting copy of the annual report of the Washington Rapid Transit Co. to the Public Utilities Commission of the District of Columbia for the year ending December 31, 1930; to the Committee on the District of Columbia.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Accounts. H. Res. 372. A resolution to pay Mattie Long, sister of Samuel J. Long, six months' compensation, and an additional amount, not exceeding $250, to defray funeral expenses of the said Samuel J. Long (Rept. No. 2910). Ordered to be printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 381. A resolution to pay Grafton E. Jackson, son of Lloyd Jackson, late an employee of the House, a sum equal to six months' salary and an additional sum of $250 for funeral expenses (Rept. No. 2911). Ordered to be printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 382. A resolution to pay out of the contingent fund a sum not exceeding $200 for additional clerical services in the enrolling room; (Rept. No. 2912). Ordered to be printed.

Mr. UNDERHILL: Committee on Accounts. H. Res. 347. A resolution to pay James W. Boyer, jr., for extra and expert services as expert legal examiner to the Committee on World War Veterans' Legislation; (Rept. No. 2913). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive papers. A report on the disposition of useless papers in the Department of Labor; (Rept. No. 2919). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive papers. A report on the disposition of useless papers in the Navy Department; (Rept. No. 2920). Ordered to be printed.

Mr. SCHNEIDER: Committee on Immigration and Naturalization. S. 202. An act to provide for the deportation of certain alien seamen, and for other purposes; with amendment (Rept. No. 2922). 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. SINCLAIR: Committee on War Claims. H. R. 11304. A bill for the relief of Stanton & Jones; with amendment (Rept. No. 2914). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 4260. An act for the relief of the American-La France & Foamite Corporation of New York; without amendment (Rept. No. 2915). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 5192. An act for the relief of Donald K. Warner; without amendment (Rept. No. 2916). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. 5408. An act for the relief of Kate M. Hays, Nancy H. Rouse, Clara H. Simmons, W. H. Hays, Hallie H. Hamilton, and Bradford P. Hays; with amendment (Rept. No. 2917). Referred to the Committee of the Whole House.

Mr. KOPP: Committee on Pensions. S. 6225. An act granting an increase of pension to Jessie R. Greene; without amendment (Rept. No. 2918). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. S. J. Res. 112. A joint resolution concerning a bequest made to the Government of the United States by S. A. Long, late of Shinnston, W. Va.; without amendment (Rept. No. 2921). 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. RAMSPECK: A bill (H. R. 17324) to amend section 7 of the Federal reserve act, as amended; to the Committee on Banking and Currency.

By Mr. JAMES of Michigan: A bill (H. R. 17325) to protect the water supply of the town of Highlands, Orange County, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. GAVAGAN: A bill (H. R. 17326) relative to the transportation of merchandise or property by common carrier for hire between ports of the United States by way of the Panama Canal; to the Committee on the Merchant Marine and Fisheries.

By Mr. CHINDBLOM: A bill (H. R. 17327) appropriating $500,000 for Federal participation in a century of progress, Chicago, Ill., in 1933; to the Committee on Appropriations.

By Mr. ALLGOOD: Resolution (H. Res. 385) to investigate the American Red Cross, its works, activities, and services in the drought areas of the United States; to the Committee on Rules.

By Mr. GARBER of Oklahoma: Resolution (H. Res. 386) directing the Tariff Commission to investigate the difference in cost of production of crude petroleum, gasoline, fuel oil, and lubricants; to the Committee on Ways and Means.

By Mr. COLLINS: Joint resolution (H. J. Res. 522) creating a joint committee to investigate and report upon matters respecting private claims; to the Committee on Rules.

By Mr. CROWTHER: Joint resolution (H. J. Res. 523) providing for an investigation into economic and labor conditions in Soviet Russia; to the Committee on Rules.

## MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Minnesota, memorializing Congress of the United States to provide for the establishment of a fur-breeding experiment station in said State as soon as possible; to the Committee on Agriculture.

By Mr. KVALE: Memorial of Minnesota State Legislature, submitted by the secretary of state, Hon. Mike Holm, urging adoption of Senate bill 5109 at the earliest possible date; to the Committee on Agriculture.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HOGG of Indiana: A bill (H. R. 17328) granting an increase of pension to Susan L. C. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17329) granting an increase of pension to Ellener Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17330) granting an increase of pension to Mary M. Welder; to the Committee on Invalid Pensions.

By Mr. LUDLOW: A bill (H. R. 17331) granting a pension to Margaret Patten; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 17332) granting a pension to Edward H. Latterell; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 17333) granting an increase of pension to Caroline Rahn; to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Pennsylvania: A bill (H. R. 17334) for the relief of Alfred J. Buka; to the Committee on Military Affairs.

By Mr. VESTAL: A bill (H. R. 17335) granting an increase of pension to Commodore P. Fuller; to the Committee on Pensions.

Also, a bill (H. R. 17336) granting an increase of pension to Naomi B. Reed; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10278. By Mr. BACON: Petition of sundry residents of Long Island, N. Y., favoring passage of House bill 7884, to exempt dogs from vivisection; to the Committee on the District of Columbia.

10279. By Mr. BROWNE: Resolution of Wausau Central Labor Union, Wausau, Wis., and its affiliated unions, resolving that it is the duty of the congressional Representatives elected by the people of the several States to convene on March 4, 1931, in a special session of Congress and continue until all needed legislation is disposed of; to the Committee on Labor.

10280. By Mr. COCHRAN of Pennsylvania: Petition of members of Coolspring Woman's Christian Temperance Union, Missionary Society, and Sabbath School, submitted by Lillian Kemm, president Coolspring Woman's Christian Temperance Union, Mercer, Pa., rural free delivery, urging the passage of the Sparks-Capper resolution proposing to amend the United States Constitution so as to exclude unnaturalized persons in each State from the count to determine the number of persons in each State for apportionment of Representatives in Congress; to the Committee on the Judiciary.

10281. By Mr. COOPER of Wisconsin: Petition of certain residents of Walworth County, Wis., urging passage of so-called Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10282. By Mr. CULLEN: Petition of the Medical Society of the county of Kings, N. Y., resenting the characterization of Senate bill 4582 as "the doctors' bill" as misleading and untrue, disapproves of the provisions of the bill, and opposes its enactment; to the Committee on the Judiciary.

10283. By Mr. HALE: Petition of Roger E. Thompson and 24 additional voting citizens of East Rochester, N. H., urging passage of House Joint Resolution No. 356, the proposed Sparks-Capper stop-alien representation amendment to the Constitution; to the Committee on the Judiciary.

10284. Also, petition of Sarah M. Lane, of Hampton, N. H., and 16 additional citizens of Hampton, supporting House Joint Resolution No. 356, the proposed Sparks-Capper stop-

alien representation amendment; to the Committee on the Judiciary.

10285. By Mr. HOPE: Petition of J. W. Berger and 43 others of Ransom, Kans., urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10286. Also, petition of Mary Whitmer and 20 others of the seventh district of Kansas, urging the passage of House Joint Resolution No. 356; to the Committee on the Judiciary.

10287. By Mr. MAAS: Resolution by the City Council St. Paul, Minn., disapproving passage by Congress of the Knutson bill, providing for certain minimum levels for the upper Mississippi reservoir lakes and for limiting the regulatory power of the War Department as to discharges from the said reservoirs; to the Committee on Rivers and Harbors.

10288. By Mr. MAGRADY: Petition of numerous citizens of Berwick, Pa., and vicinity, urging support of the proposed Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10289. Also, petition of numerous citizens of Berwick, Pa., and vicinity, urging support of the proposed Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10290. Also, petition of numerous citizens of Montandon, Pa., urging support of the proposed Sparks-Capper stop-alien representation amendment (H. J. Res. 356); to the Committee on the Judiciary.

10291. By Mr. ROBINSON: Resolution from the Clayton County (Iowa) Guernsey Breeders' Association, which met on February 20, 1931, at Garnavillo, Iowa, and which is signed by the president of the association, W. L. Schulte, urging the passage of the Brigham oleomargarine bill; to the Committee on Agriculture.

10292. Also, petition of Emily A. Reeve, Hampton, Iowa, and 12 other citizens of Hampton, Iowa, urging the passage of the Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10293. By Mr. SHOTT of West Virginia: Petition of the Woman's Christian Temperance Union, of Williamson, W. Va., signed by Mrs. L. D. Whitmore, president, and Mrs. P. B. Maynard, treasurer, urging that Congress take action to provide legislation providing for the supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

10294. By Mr. SPARKS: Petition of Reorganized Church of Jesus Christ, of Osborne, Kans., for the Federal supervision of motion pictures as provided in the Grant Hudson bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10295. Also, petition of Young Women's Christian Association, of Downs, Kans., for the 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.

10296. Also, petition of Women's Relief Corps, No. 119, of Lincoln, Kans., for the 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.

10297. By Mr. STRONG of Pennsylvania: Petition of citizens of McGees Mills, Pa., and vicinity, in favor of amending the Federal Constitution to exclude unnaturalized aliens from the count of population for congressional apportionment; to the Committee on the Judiciary.

10298. By Mr. SWANSON: Petition of Rev. Francis E. Cooper and others, of Council Bluffs, Iowa, favoring a constitutional amendment for the exclusion of aliens in congressional apportionment; to the Committee on the Judiciary.

10299. By Mr. SWING: Petition of Sarah Peters and 240 citizens of San Diego Calif., urging the passage of House Joint Resolution No. 356, Sparks-Capper stop-alien representation amendment; to the Committee on the Judiciary.

10300. By Mr. TEMPLE: Petition of the Ever Faithful Woman's Bible Class, of Waynesburg, Pa., in support of the Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

10301. By Mr. WYANT: Petition of members of Methodist Episcopal Church of Trafford, Westmoreland County, Pa., urging support of Sparks-Capper amendment to eliminate unnaturalized aliens from count in proposed congressional reapportionment; to the Committee on the Judiciary.

10302. By Mr. YATES: Petition of H. C. Neale, president National Association of Postal Supervisors, Chicago, Ill., requesting the consideration of House bill 14908 and Senate bill 5243 relative to salaries of station supervisors; to the Committee on the Post Office and Post Roads.

10303. Also, petition of Mrs. A. Kingsley, president of the Up-to-Date Club, of North Maywood, Ill., urging Congress to pass the Sparks-Capper amendment to the Constitution; to the Committee on the Judiciary.

10304. Also, petition of the Thomas Cloudeo Post, No. 70, West Oak Street, Chicago, Ill., urging the passage of House bills 15621, 14059, and Senate bills 5073, 5074; to the Committee on World War Veterans' Legislation.

10305. Also, petition of Clifford V. Gregory, editor Prairie Farmer, Chicago, Ill., urging the passage of the Brigham-Townsend bill, as in his opinion if this bill is not passed the dairy industry of Illinois will suffer; to the Committee on Agriculture.

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# SENATE

## MONDAY, MARCH 2, 1931

*(Legislative day of Tuesday, February 17, 1931*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

### DEATH OF REPRESENTATIVE HENRY ALLEN COOPER

Mr. LA FOLLETTE. Mr. President, it becomes my sad duty to announce the death of Representative HENRY ALLEN COOPER, of Wisconsin.

Mr. COOPER was the dean of the House of Representatives, having been elected to the Fifty-third and each succeeding Congress, with the exception of the Sixty-sixth. A distinguished statesman, scholar, and a noble gentleman, his death is a great loss to the Nation and to the State of Wisconsin.

Mr. President, I offer the following resolutions and ask unanimous consent for their immediate consideration.

The resolutions (S. Res. 437) were read, considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY ALLEN COOPER, late a Representative from the State of Wisconsin.

*Resolved*, That a committee of 15 Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Under the second resolution the Vice President appointed as the committee on the part of the Senate the senior Senator from Wisconsin [Mr. LA FOLLETTE], the junior Senator from Wisconsin [Mr. BLAINE], the senior Senator from Indiana [Mr. WATSON], the senior Senator from Arkansas [Mr. ROBINSON], the senior Senator from Idaho [Mr. BORAH], the senior Senator from Nebraska [Mr. NORRIS], the junior Senator from Utah [Mr. KING], the senior Senator from Tennessee [Mr. MCKELLAR], the senior Senator from North Dakota [Mr. FRAZIER], the junior Senator from Nebraska [Mr. HOWELL], the senior Senator from Minnesota [Mr. SHIPSTEAD], the senior Senator from New Mexico [Mr. BRATTON], the senior Senator from Kentucky [Mr. BARKLEY], the junior Senator from Oklahoma [Mr. THOMAS], and the junior Senator from Texas [Mr. CONNALLY].

Mr. LA FOLLETTE. Mr. President, I offer the following resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.