

repeal of the eighteenth amendment; to the Committee on the Judiciary.

872. Also, petition of Mrs. A. M. Stevenson and 23 others, of Sterling, Kans., favoring prohibition and its enforcement and protesting against modification, resubmission, or repeal of the eighteenth amendment; to the Committee on the Judiciary.

873. Also, petition of Louise Egbert and 17 others, of Ness City, Kans., favoring prohibition and its enforcement and protesting against modification, resubmission, or repeal of the eighteenth amendment; to the Committee on the Judiciary.

874. Also, petition of Martha E. Kenyon and 29 others, of Little River, Kans., favoring prohibition and protesting against modification, resubmission, or repeal of the eighteenth amendment; to the Committee on the Judiciary.

875. By Mrs. KAHN: Petition of the board of supervisors, city and county of San Francisco, San Francisco, Calif., urging the amendment of the Volstead Act to permit the sale, distribution, and consumption of beverages with an increased alcoholic content; to the Committee on the Judiciary.

876. By Mr. LAMNECK: Petition of W. T. Rockey, H. J. Lynch, Clarence Pfeiffer, and others, petitioning Congress to enact such legislation at this time as is necessary to curb the activities of the growing monopolistic organizations commonly known as the chain-store system; to the Committee on Interstate and Foreign Commerce.

877. By Mr. LEWIS: Petition of residents of Kitzmiller, Md., regarding enforcement of the prohibition act; to the Committee on the Judiciary.

878. By Mr. MAPES: Petition of Edith Walvoord, president Woman's Christian Temperance Union, Holland, Mich., and 48 other members, all residents of Holland, Mich., in support of the maintenance of the prohibition law and its enforcement, and against any measure looking toward its modification, resubmission to the States, or repeal; to the Committee on the Judiciary.

879. By Mr. PARTRIDGE: Petition of the Woman's Christian Temperance Union of Norway, Me., supporting the prohibition laws and their enforcement and protesting against any measure looking toward the modification of the eighteenth amendment, its resubmission to the States, or its repeal; to the Committee on the Judiciary.

880. Also, petition of Woman's Christian Temperance Union of Franklin County and the union class of the Farmington Congregational Church Sunday School, Farmington, Me., supporting the prohibition laws and their enforcement and opposing the resubmission of the repeal of the eighteenth amendment to the Constitution of the United States; to the Committee on the Judiciary.

881. By Mr. PEAVEY: Petition of various citizens of the city of Rhinelander, Oneida County, Wis., urging support and maintenance of the prohibition law and its enforcement, and against any measure looking toward its modification, resubmission to the States, or repeal; to the Committee on the Judiciary.

882. By Mr. REID of Illinois: Petition of Elsie M. Mehnert and 458 other citizens of Naperville, Ill., favoring prohibition and protesting against modification, resubmission, or repeal of the eighteenth amendment; to the Committee on the Judiciary.

883. By Mr. ROGERS: Petition of the Woman's Christian Temperance Union, Manchester, N. H., protesting against any change in the prohibition law; to the Committee on the Judiciary.

884. By Mr. RUDD: Petition of Empire State Automobile Merchants Association, Albany, N. Y., and the Brooklyn Motor Vehicle Dealers Association, opposing a tax on automobiles, parts, etc.; to the Committee on Ways and Means.

885. By Mr. SINCLAIR: Petition of Mrs. Joseph L. Kelley and 93 other residents of Bismarck, N. Dak., and vicinity, against any measure looking to the modification, resubmission, or repeal of the prohibition law; to the Committee on the Judiciary.

886. By Mr. SNELL: Petition of residents of Saranac Lake, N. Y., relative to the enforcement of prohibition; to the Committee on the Judiciary.

887. By Mr. SNOW: Petition of Levi F. Johnson and other citizens of Brownsville, Me., requesting the enactment of appropriate legislation to place highway trucks and bus lines under regulations; to the Committee on Interstate and Foreign Commerce.

888. Also, petition of O. L. Keyes and other citizens of Caribou, Me., requesting the enactment of appropriate legislation to place highway trucks and bus lines under regulations; to the Committee on Interstate and Foreign Commerce.

889. Also, petition of W. R. Christie and many other citizens of Presque Isle, Me., requesting the enactment of appropriate legislation to place highway trucks and bus lines under regulations; to the Committee on Interstate and Foreign Commerce.

890. Also, petition of W. A. MacPherson and other citizens of Easton, Me., requesting the enactment of appropriate legislation to place highway trucks and bus lines under regulations; to the Committee on Interstate and Foreign Commerce.

891. By Mr. SUMMERS of Washington: Petition signed by H. P. Andrews and 28 other adult residents of Goldendale, Wash., protesting against the enactment of the compulsory Sunday observance bill, S. 1202; to the Committee on the District of Columbia.

892. By Mr. SWICK: Petition of the Women's Missionary Society of the Reformed Presbyterian Church of Mars, Butler County, Pa., opposing the resubmission of national prohibition to the States by a resolution to a State convention or State legislatures for ratification; to the Committee on the Judiciary.

893. By Mr. TREADWAY: Petition of Florence E. Bouche and 40 other residents of Pittsfield, Mass., in support of the prohibition law and its enforcement; to the Committee on the Judiciary.

894. By the SPEAKER: Petition of Theodore W. Noyes and others, petitioning Congress to urge the rejection of House bill 6285, etc.; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, JANUARY 27, 1932

(Legislative day of Tuesday, January 26, 1932)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 230) making an appropriation to enable the United States of America to make payments upon subscriptions to the capital stock of the Reconstruction Finance Corporation, and it was signed by the Vice President.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Bratton	Coolidge	Fletcher
Austin	Brookhart	Copeland	Frazier
Bailey	Broussard	Costigan	George
Bankhead	Bulkley	Couzens	Glass
Barbour	Bulow	Cutting	Glenn
Barkley	Byrnes	Dale	Goldsborough
Bingham	Capper	Davis	Gore
Black	Caraway	Dickinson	Hale
Blaine	Carey	Dill	Harris
Borah	Connally	Fess	Harrison

Hatfield	Lewis	Oddie	Thomas, Okla.
Hawes	Logan	Patterson	Townsend
Hayden	Long	Pittman	Trammell
Hebert	McGill	Robinson, Ark.	Tydings
Howell	McKellar	Robinson, Ind.	Vandenberg
Hull	McNary	Schall	Wagner
Johnson	Metcalf	Sheppard	Walcott
Jones	Morrison	Shipstead	Walsh, Mass.
Kean	Moses	Smith	Walsh, Mont.
Kendrick	Neely	Smoot	Waterman
Keyes	Norbeck	Steiner	Watson
King	Norris	Stephens	Wheeler
La Follette	Nye	Thomas, Idaho	White

Mr. FESS. The Senator from Pennsylvania [Mr. REED] is necessarily absent to-day on official business. I will let this announcement stand for the day.

Mr. JOHNSON. I announce that my colleague [Mr. SHORTRIDGE] is still ill and confined to his bed. I ask that the announcement may stand for the day.

Mr. TOWNSEND. I desire to announce that my colleague the senior Senator from Delaware [Mr. HASTINGS] is unavoidably detained from the Senate to-day. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a petition from E. R. Hughes, of Oklahoma City, Okla., praying for the enactment of Senate bill 2449, to provide certain privileges to blind persons, which was referred to the Committee on Education and Labor.

He also laid before the Senate a telegram from Dr. H. L. Green, of Quincy, Ill., relative to the nomination of Charles G. Dawes as director of the Reconstruction Finance Corporation, which was referred to the Committee on Banking and Currency.

He also laid before the Senate a telegram from the Orr Brown & Price Co., of Columbus, Ohio, in favor of the so-called Capper-Kelly fair trade bill, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate the petition of Otto Graham, attorney at law, of Chicago, Ill., relative to the right of an individual to sue in the courts of the United States, which, with the accompanying papers, was referred to the Committee on the Judiciary.

He also laid before the Senate a memorial in the form of a resolution of the Woman's Christian Temperance Union of Walhalla, S. C., remonstrating against a proposed referendum on the eighteenth amendment to the Constitution and favoring adequate appropriations for law enforcement and education in law observance, which was referred to the Committee on the Judiciary.

Mr. BARBOUR presented memorials of sundry citizens of Jersey City and Paterson, N. J., remonstrating against the passage of legislation providing for the closing of barber shops on Sunday in the District of Columbia, or any other restrictive religious measures, which were referred to the Committee on the District of Columbia.

He also presented petitions of members of the First Presbyterian Church of Hamburg, the Woman's Christian Temperance Union of Bridgeton, and sundry citizens of Salem, Quinton, Alloway, and Hancocks Bridge, all in the State of New Jersey, praying for the maintenance of the prohibition law and its enforcement and opposing a proposed referendum on the eighteenth amendment to the Constitution, which were referred to the Committee on the Judiciary.

He also presented the memorial of Rev. Milton T. Wells, pastor, and members of the congregation of the First Baptist Church of Butler, N. J., remonstrating against a proposed referendum on the eighteenth amendment to the Constitution, which was referred to the Committee on the Judiciary.

Mr. COPELAND presented the petitions of sundry citizens of Riverhead, Moira, and Chateaugay, in the State of New York, praying for the maintenance of the prohibition law and its enforcement, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Elmira and vicinity, in the State of New York, remonstrating

against the passage of legislation providing for the closing of barber shops on Sunday in the District of Columbia, or other restrictive religious measures, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Buffalo and vicinity, in the State of New York, remonstrating against the burden of present and proposed Federal taxation and favoring a drastic reduction in the cost of maintaining the Government, which was referred to the Committee on Appropriations.

He also presented the petition of the Lovejoy District Citizens' Association, of Buffalo, N. Y., praying for the passage of legislation providing for the manufacture and sale of 4 per cent beer, which was referred to the Committee on Manufactures.

He also presented petitions of members of the Woman's Christian Temperance Union of Syracuse and sundry citizens of Wallace and Friendship, all in the State of New York, praying for the maintenance of the prohibition law and its enforcement, which were referred to the Committee on the Judiciary.

COOPERATIVE MARKETING

Mr. GEORGE. I ask unanimous consent to have inserted in the RECORD a letter signed by J. R. Harris & Co., and numerous citizens of Georgia with reference to cooperative marketing, also a newspaper article taken from the Atlanta Constitution with reference to the same general subject, and an editorial that appeared in the Constitution of Sunday, January 17, with reference to the same matter. I ask that the letter and newspaper articles be referred to the Committee on Agriculture and Forestry.

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

The matter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

WRENS COMMUNITY CENTER,
Wrens, Ga., January 25, 1932.

Senator WALTER F. GEORGE,
United States Senate, Washington, D. C.

DEAR SENATOR GEORGE: We notice in the paper that Senator NORRIS has introduced a resolution to investigate the Farm Board, the cooperative, and the traders. It looks very much like all of this has come about because of the cotton dealers objecting to the Government even trying to help farmers get organized in marketing their products cooperatively.

Cooperation is the thing that is going to be the solution of the farm problem. A lot of progress is being made by farmers in cooperative marketing and while they are making a lot of progress they are obliged to be making some mistakes especially in times like this. While the traders and opponents of the Federal Farm Board and the cooperatives are talking about what they have done in years past for the farmers and the mistakes of the Farm Board and the co-ops, as actual farmers we want to keep before you in our Congress some of the real facts about cooperation.

A short time ago the Atlanta Constitution wrote a fine editorial on how farmers in Denmark had improved their financial condition through cooperation. Some of us here wrote the Constitution a letter to express our appreciation for their editorial as well as to point out some of the things that the farmers of this community have done as members of the cotton cooperatives and by local cooperation. Last Sunday our letter was carried by the Constitution and was used as a basis for one of the strongest editorials we have ever read on the subject of cooperation. You will note that we have attached the editorial page of the Constitution and have marked the editorial.

We can not come to Washington, so we want facts like these to get before the committee that is going to investigate the Farm Board and the cooperatives. If it is proper on our part we would like to ask you to get the Constitution editorial printed in the CONGRESSIONAL RECORD for the information of all the Senators and Congressmen. We do not want to ask you to do anything that is improper, but we would like for those Congressmen and Senators who are going to pass on cooperation and what is being done in a cooperative way to know what our farmers in this community are doing on account of cooperative marketing and cooperative organization.

It is true we may make some mistakes in running our business, but in time we will learn how to correct them, but there will never be a time as long as time lasts that the cotton shippers will do anything to help us get our cotton marketed better or many other things that ought to be done for farmers but which have got to be done by the farmers themselves and through cooperation.

We appreciate you as a representative of ours and the people of Georgia. We feel that you will be guided at all times by what is right for the farmers when any question comes up in Congress affecting agriculture.

Yours very truly,

J. R. HARRIS & Co.	T. C. ELLIS.
C. C. MCCOLLUM.	C. H. EVANS.
J. L. WIMBURN.	P. K. WREN.
A. L. SWANN.	G. W. ADAMS.
J. H. SIMONS.	E. N. ADAMS.
J. J. PILCHER.	O. G. FLORENCE.

[From the Constitution, Atlanta, Ga.]

SUCCESS OF WRENS COMMUNITY CENTER DEMONSTRATES PROBLEMS OF FARMERS CAN BE SOLVED BY COOPERATIVE EFFORT

EDITOR CONSTITUTION: We read your editorial on Wise Danish Farmers which appeared in the Constitution a few days ago. We want to congratulate you on this editorial. If every farmer in the State had the vision and the experience contained in your editorial our farm problem would be different from what it is and our farmers would be in much better financial condition, and think how this would help other people who are engaged in other lines of business that depend on the farmer.

We are not sure whether you have ever heard of the "Wrens Community Center" or not, or whether you know what we are doing along the line that you set out in your editorial, but we believe you will be interested in what we have accomplished. About four or five years ago the members of the Cotton Cooperative Association in this community decided that they would put up a cooperative gin for saving money and for getting their cotton ginned as it should be.

Farmers as a matter of human nature are more interested in their cotton being ginned right than anyone else. We did not have the money with which to pay for the gin, so we borrowed this money from the Cotton Cooperative Association on a low rate of interest and for a period of years in order that we could repay same without difficulty. We charged the regular price for ginning; in fact, the same price as charged by our then competitors. In about three years' time we had gotten our cotton ginned better than ever before and had paid for our gin, and we had paid for same out of the profits, and as stated above we had not charged anybody any more for ginning than they had always paid.

There was another gin in the town and we took it over on a satisfactory basis from the owner. We now own both gins and our town and community need them. By this time our cooperative gins owned by the farmers of this community and built and developed under the leadership of the Cotton Cooperative Association were as valuable property as we had in our town.

We have been diversifying and trying to make our farms self-sustaining. Of course, that called for growing a lot of grain—principally corn and wheat. Last year we put up one of the most modern flour mills that could be bought. We are operating this now and it is a part of our local cooperative enterprise. So you can see, being in the cotton cooperative, we have been able to get our cotton sold cooperatively and we have also been able by co-operation to have established the best gins we have ever had and to even own them ourselves, and we have also been able to establish other real service organizations like flour and corn mills.

We have just started, but we have accomplished things that we never would before we were organized. We have gotten better service in ginning and in getting our wheat and corn processed, and we have not paid any more in gradually getting possession of these facilities for ginning and for toll and in grinding wheat and corn than we did before we started to cooperate.

We thought you would be interested in knowing something of what is being done in cooperation in our section. There is a lot of education to be done and we want to say that the Atlanta Constitution has started on this question and we hope that it has started on it not to stop but to stay with it until farmers as a whole are doing in our State what they are doing in Denmark.

Another thing that you will find to be true with the community that has cooperative enterprises—its people for the most part believe in diversified farming. They believe in good roads; they believe in growing the best quality farm products; they believe in good schools; they believe in good churches; they are public spirited; and one of the reasons why such is true of them is that when they have their farming business on a cooperative basis they are in position to be better citizens from a financial standpoint. A lot of our educational and social problems are traceable to causes that are economic. The cooperative way or plan is one of the best methods for solving the farmer's economic problems.

We again want to thank you and we hope you will keep up your good work for cooperation and cooperative marketing.

J. R. HARRIS & Co.
T. S. WREN.
G. W. ADAMS.
E. N. ADAMS.
O. G. FLORENCE.
G. W. BRINSON.
E. P. ROGERS.
E. J. YOUNG.
J. W. D. YOUNG.
J. W. CLARK.

WRENS COMMUNITY CENTER.
JAMES L. NEWBURNE.
C. C. MCCOLLUM.
P. K. WREN.
T. F. RHODES.
J. J. PILCHER.
T. C. ELLIS.
E. H. RIVERS.
F. F. RIVERS.
C. H. EVANS.
A. L. SWANN.

[From the Constitution, Atlanta, Ga., of Sunday, January 17, 1932]
WISE FARMERS

The successful solving of many of their problems by a group of Georgia farm owners through the formation of a local cooperative association is convincingly told in a communication from the Wrens Community Center.

Although their cooperative effort is comparatively new, these Georgia farmers, to use their own words, have "accomplished things that we never would have before we were organized."

They have gotten better service in ginning and in the processing of their wheat and corn, at no greater cost than they paid to privately owned gins, and have bought two gins, which they have paid for out of their profits. Now, these gins are as valuable business property as is to be found in the progressive little town of Wrens.

Although the Wrens Community Center was launched as a cotton cooperative movement, the advances in diversification and grain planting have been such that the erection of a flour mill became necessary. That is now also the property of the center, paid for out of its profits.

The 20 members of this community center who sign the communication to the Constitution point out that such cooperative organizations lead the people of the communities they serve to be more enthusiastic supporters of good roads, good churches, and good schools.

"There is a lot of education to be done," add these progressive Georgia farmers, "and we are glad the Constitution has started on this question, and we hope that it will not stop until our farmers as a whole are doing what those of Denmark have been doing for many years."

If every community in Georgia had an organization similar to the Wrens Community Center, rural conditions in the State would be revolutionized.

Each farmer would be the part owner of his own gin and flour mill. Canneries and cooperative ice and lighting plants would cut costs and furnish an outlet for surplus products.

Our farmers would become better business men, and with this increased knowledge of business affairs would insist upon better government.

Starting on borrowed capital, the members of the Wrens Community Center have shown the farmer of every county in the State how easy it is for them to accomplish their own salvation.

Other States have proven that only through cooperative effort can agriculture be put on a sound and profitable basis, and the sooner the farmers of Georgia realize that the day has passed when farm profits can be expected entirely through individual effort the better it will be for them.

FEDERAL HOME-LOAN BANK LEGISLATION

Mr. WALSH of Massachusetts. I present and ask to have printed in the RECORD and appropriately referred a telegram from the Massachusetts Cooperative Bank League favoring enactment of the Federal home-loan bank bill.

There being no objection, the telegram was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

BOSTON, MASS., January 27, 1932.

Hon. DAVID I. WALSH,

United States Senator:

Massachusetts Cooperative Bank League, in convention January 11, 159 banks, representing 80 per cent total resources, voted unanimously favoring Federal home-loan bank plan. Personally favor inaugurating system. Would help in present Massachusetts situation. Request you favor bill before committee and Senate.

ERNEST A. HALE,

Treasurer Suffolk Cooperative Bank, Director

First District United States Building and Loan League.

SETTLEMENT OF INTERNATIONAL DISPUTES

Mr. TYDINGS. Mr. President, I ask to have published in the RECORD and also printed as a public document an article addressed to the Committees on Naval Affairs of the Senate and House of Representatives and to the appropriate subcommittees of the Committees on Appropriations by Oscar T. Crosby, former Assistant Secretary of the Treasury.

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

The matter referred to is as follows:

To the Committees on Naval Affairs of the Senate and House of Representatives, United States of America, and to the appropriate subcommittees of the Committees on Appropriations:

I have the honor to suggest the inclusion in any bill now pending in Congress affecting naval appropriations or authorizations of a paragraph taken from the naval appropriation bill, approved August 29, 1916, and reading as follows:

"That if at any time before the appropriations authorized by this act shall have been contracted for there shall have been established, with the cooperation of the United States of America, an international tribunal or tribunals competent to secure peaceful determinations of all international disputes, and which

shall render unnecessary the maintenance of competitive armaments, then and in that case such naval expenditures as may be inconsistent with the engagements made in the establishment of such tribunal or tribunals shall be suspended, if so ordered by the President of the United States."

In March of 1916 Senator Shafrroth, of Colorado, introduced this provision as an amendment to the naval bill then under consideration.

In advocacy of its enactment I appeared before the House Committee on Naval Affairs. It was, without further urging, adopted by both Houses and appeared in the finished bill above mentioned.

As a declaration of national policy in 1916, it still stands; but in strict terms, its application ceased when the constructions authorized in the naval bill of that year had been contracted for. Yet the importance of such a declaration is now as great, or greater, than in 1916.

Within eight months from the passage of the bill we entered the Great War. The treaty of Versailles did not bring into existence such a tribunal as was contemplated by Congress in the provision cited. In the absence of a tribunal backed by centralized force national navies remain as potential competitive fighting units even as in all time past. Nor can any mere limitation of armaments change that situation.

Some believe that the League of Nations, the World Court as now organized, and the Paris pact (Bryan-Kellogg) would constitute a defense against the occurrence of war. I do not share that belief. These ambitious peace mechanisms seem to me ineffective as real barriers against war. Even the most hopeful among their partisans must now entertain doubts and feel disappointment.

If the objective indicated in the provisions under consideration is still held in view, we should respect our declaration until that objective is gained. No committal is involved as to the merits of a big navy versus a little navy policy nor as to the merits of treaty limitations versus national freedom in preparedness.

Through the pronouncement in question we, the strongest nation in the world, say, in effect, to others: "We will stop our naval constructions if you will join with us in the organization of a reliable substitute for war, namely, in the establishment of a true international tribunal and of a centralized force as a sanction for its decrees. Thus we moralize our "militarism"; we sterilize our preparedness of all taint of "aggression."

In spite of all existing treaties or any that are likely to result from the conference soon to be held in Geneva, it remains that each nation looks to its own armaments for upholding its own views of its own interests—and the old order leading to war remains substantially unchanged.

I may add that as early as 1910 the Congress registered its approval of the idea involved in the legislation now proposed. This is shown in the appended copy of Public Resolution 47. It is not proposed to repeat this resolution, but it is instructive to read the record of legislative trend in the direction of that form of sanction which is the foundation of public order within every sovereign state.

I shall not endeavor to set forth all the cogent reasons which might be arrayed in favor of continuing to follow a road already marked by notable milestones set by congressional action. Eminent authorities—presidential and otherwise—might also be cited, but I know the great pressure upon your time must cause you to prefer short statements from restless reformers. I shall be glad to appear before any committee if desired.

Respectfully,

OSCAR T. CROSBY.

WARRENTON, VA., January 20, 1932.

P. S.—Some appropriate arguments are set forth in Senate Document 378, Sixty-fourth Congress, first session, being copy of a letter addressed by me to Senator Shafrroth, March 23, 1916.—O. T. C.

“Public Resolution 47—House Joint Resolution 223

“Joint resolution to authorize the appointment of a commission in relation to universal peace

“Resolved, etc., That a commission of five members be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement and of constituting the combined navies of the world an international force for the preservation of universal peace, and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war: Provided, That the total expense authorized by this joint resolution shall not exceed the sum of \$10,000 and that the said commission shall be required to make final report within two years from the date of the passage of this resolution.

“Approved, June 25, 1910.”

This enactment followed a hearing before the House Committee on Naval Affairs, May 7, 1910, shown in a print ordered by the committee. Mr. Crosby presented arguments favoring the resolution and introduced other speakers.

It was said that President Taft was much gratified by the enactment. Nevertheless, for reasons not made public, he went out of office without appointing the commission. A great opportunity was lost.

REPORTS OF THE COMMERCE COMMITTEE

Mr. VANDENBERG, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 2985. An act granting the consent of Congress to the Connecticut River State Bridge Commission, a statutory commission of the State of Connecticut created and existing under the provisions of special act No. 496 of the General Assembly of the State of Connecticut, 1931 session, to construct, maintain, and operate a bridge across the Connecticut River (Rept. No. 143);

S. 3083. An act granting the consent of Congress to the Board of County Commissioners of Allegheny County, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River between the city of Pittsburgh and the borough of Homestead, Pa. (Rept. No. 144); and

S. 3113. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near The Dalles, Oreg. (Rept. No. 145).

ENROLLED BILLS PRESENTED

Mr. WATERMAN, from the Committee on Enrolled Bills, reported that on January 26, 1932, that committee presented to the President of the United States the enrolled bill (S. 573) granting the consent of Congress for the construction of a bridge across Clarks Fork River, near Ione, Pend Oreille County, in the State of Washington.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. BORAH, from the Committee on Foreign Relations, reported favorably the nomination of Livingston Satterthwaite, of Pennsylvania, to be a Foreign Service officer, unclassified, a vice consul of career, and a secretary in the Diplomatic Service of the United States of America.

Mr. NORBECK, from the Committee on Banking and Currency, reported favorably the nomination of Charles G. Dawes, of Illinois, to be a member of the board of directors of the Reconstruction Finance Corporation for a term of two years from January 22, 1932.

Mr. FLETCHER, from the Committee on Banking and Currency, reported favorably the nominations of the following-named persons to be members of the board of directors of the Reconstruction Finance Corporation for a term of two years from January 22, 1932:

Harvey C. Couch, of Arkansas; and
Jesse H. Jones, of Texas.

The VICE PRESIDENT. The nominations reported will be placed on the Executive Calendar.

BILLS INTRODUCED

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

By Mr. JONES:

A bill (S. 3325) granting a pension to Florence A. Gilbert; to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 3326) for the relief of Homer N. Horine; to the Committee on Military Affairs.

A bill (S. 3327) granting a pension to Elizabeth M. Runnels;

A bill (S. 3328) granting a pension to John Winn;

A bill (S. 3329) granting an increase of pension to Frankie Dowdy; and

A bill (S. 3330) granting an increase of pension to Martha E. Melton; to the Committee on Pensions.

A bill (S. 3331) for the relief of Buster Jones; to the Committee on Naval Affairs.

By Mr. FLETCHER (by request):

A bill (S. 3332) authorizing and directing the Treasurer of the United States to accept silver bullion, 950 fine, at the rate of 50 cents per troy ounce, in payment of any debt to the United States from any foreign government, and for other purposes; to the Committee on Banking and Currency.

By Mr. TYDINGS:

A bill (S. 3333) for the relief of the estate of Oscar F. Lackey; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 3334) for the relief of William M. Sherman (with accompanying papers); to the Committee on Military Affairs.

By Mr. HEBERT:

A bill (S. 3335) granting a pension to Raymond G. Gaudette; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 3336) to amend section 200 of Title II of the World War veterans' act, 1924, as amended; to the Committee on Finance.

A bill (S. 3337) granting a pension to the regularly commissioned United States deputy marshals of the United States District Court for the Western District of Arkansas, including the Indian Territory, and the regularly commissioned United States deputy marshals of the United States District Court for the Territory of Oklahoma, and to their widows and dependent children; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3338) granting an increase of pension to Marion B. Ridgate (with accompanying papers); to the Committee on Pensions.

A bill (S. 3339) for the relief of C. E. Campbell, otherwise known as Ebin Campbell; and

A bill (S. 3340) providing for the advancement on the retired list of the Army of Robert Todd Oliver; to the Committee on Military Affairs.

By Mr. FESS:

A bill (S. 3341) to authorize the erection of a permanent occupational therapy building at the United States Veterans' Administration hospital at Chillicothe, Ohio; to the Committee on Finance.

By Mr. SMOOT:

A bill (S. 3342) to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the militia target range reservation, State of Utah; to the Committee on Public Lands and Surveys.

By Mr. COPELAND:

A bill (S. 3343) to require all exit doors of public buildings to open outwardly; to the Committee on the District of Columbia.

By Mr. BARKLEY:

A bill (S. 3344) for the relief of Maggie Kirkland; to the Committee on Claims.

A bill (S. 3345) for the relief of Frank L. Ragsdale; to the Committee on Military Affairs.

By Mr. WHEELER:

A bill (S. 3346) to provide for the escheat to the United States of certain deposits in national banks; to the Committee on Banking and Currency.

A bill (S. 3347) for the relief of certain Indians on the Fort Belknap Indian Reservation; to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 3348) granting an increase of pension to Daniel Flynn; to the Committee on Pensions.

AMENDMENT OF THE TARIFF ACT OF 1930

Mr. HARRISON submitted nine amendments intended to be proposed by him to the bill (H. R. 6662) to amend the tariff act of 1930, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

ISABELLE FREEMAN BELL

Mr. SMITH submitted the following resolution (S. Res. 148), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for miscellaneous items, contingent fund of the Senate, fiscal year 1931, to Isabelle Freeman Bell, widow of Samuel A. Bell, late a skilled laborer of

the Senate under supervision of the Sergeant at Arms, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARY A. CHAPLINE

Mr. BARKLEY submitted the following resolution (S. Res. 149), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for miscellaneous items, contingent fund of the Senate, fiscal year 1931, to Mary A. Chapline, widow of Charles B. Chapline, late an employee of the Senate folding room, under supervision of the Sergeant at Arms, the sum of \$250, said sum to be considered inclusive of funeral expenses and all other allowances.

INFORMATION RELATIVE TO CERTAIN MILITARY POSTS

Mr. CONNALLY. Mr. President, I submit a resolution of inquiry and ask for its present consideration.

The resolution (S. Res. 150) was read, as follows:

Resolved, That the Secretary of War is requested to report to the Senate at the earliest practicable date with respect to each of the forts or military posts herein specified, all information available in the records of the War Department as to (1) the amount of land owned by the Government at such fort or military post; (2) the value of all property including buildings, equipment, and improvements situated at or connected with such fort or military post; (3) the amounts heretofore appropriated by the Congress for the purchase, establishment, equipment, and improvement of such fort or military post and all appurtenances connected therewith; (4) the number of buildings and structures at each fort or military post; (5) the number of troops that can be accommodated at such fort or military post; and (6) the number of troops now quartered at such fort or military post:

Fort Brown, Brownsville, Tex.

Fort McIntosh, Laredo, Tex.

Fort Clark, Brackettville, Tex.

Fort D. A. Russell, Marfa, Tex.

The VICE PRESIDENT. The Senator from Texas asks for the immediate consideration of the resolution.

Mr. McNARY. I think it had better go over under the rule. The Senator can call it up to-morrow.

The VICE PRESIDENT. The resolution will go over under the rule.

FEES FOR GRAZING LANDS IN NATIONAL FORESTS

Mr. THOMAS of Idaho. On behalf of the junior Senator from Wyoming [Mr. CAREY] and myself, I submit a resolution, which I ask may be referred to the Committee on Agriculture and Forestry.

The resolution (S. Res. 151) was read and referred to the Committee on Agriculture and Forestry, as follows:

Resolved, That the Secretary of Agriculture is requested to fix the fees to be charged during each of the years 1932 and 1933 for the grazing of sheep and cattle on lands within the boundaries of national forests at not more than 50 per cent of the fees charged during the year 1931.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

CONDITIONS IN MANCHURIA (S. DOC. NO. 55)

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

To the Senate of the United States:

In response to Senate Resolution 87 of December 17, 1931, I transmit herewith a report by the Secretary of State, inclosing copies of documents referred to therein.

HERBERT HOOVER.

THE WHITE HOUSE, January 27, 1932.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6596) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

GEORGE WASHINGTON BICENTENNIAL—ADDRESS BY VICE PRESIDENT CURTIS

Mr. FESS. Mr. President, I ask unanimous consent to have printed in the RECORD a notable short address on the appreciation of George Washington delivered last night in the city of Washington by the Vice President of the United States. The occasion was a meeting of the chamber of commerce of this city to view a picture of Washington, identifying him with the great celebration that is now coming on. The picture was made by a firm that contributed it to the commission without charge, and it will be seen throughout the United States and the world.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Chairman, ladies and gentlemen, it gives me sincere pleasure to be with you this evening. I am honored that you invited me to address you. To-night we are celebrating two important events—the twenty-fifth anniversary of the Washington Chamber of Commerce and the bicentennial of the birth of that great man, George Washington.

As a member of the George Washington Bicentennial Commission I can assure you that your cooperation in promoting the success of this great nation-wide patriotic undertaking is deeply appreciated, and I congratulate you upon your sponsorship of the George Washington bicentennial talking picture, to be shown publicly for the first time to-night, the production of which was made possible through the public spirit of Warner Bros. (Inc.).

In the last 25 years the Washington Chamber of Commerce has justified fully its organization. Its usefulness and the ability of its members and officers are proved. It has contributed wisely, enduringly, and often to the civic betterment of the city of Washington and its people. This year it has a greater opportunity than ever to be of service. The bicentennial celebration of the birth of the Father of our Country will bring millions of visitors to the city. These visitors must be housed and fed, instructed, and entertained. The bicentennial commission, of which the President of the United States, Herbert Hoover, is the chairman, has arranged an excellent program throughout the nine months of the celebration.

This year represents the Nation's opportunity to become closely acquainted with Washington and its people. It represents Washington's opportunity to enhance the pride of all our citizens for the city, which is a fitting memorial to our greatest hero. Each resident will, I am sure, realize his position as host to these visitors. He will endeavor to please our guests and be ready in turn to be pleased with them.

I have never talked to a visitor to this city who has not voluntarily commented on its beauty and desirability as a place in which to live. There could be no better tribute. It is well deserved. Nowhere is there a finer collection of public buildings, hotels, apartment houses, and private homes; a more impressive array of schools, colleges, churches, hospitals, libraries, and museums; better facilities in the fields of art, literature, and science; more beautiful parks; wider, safer, and better paved and lighted streets and avenues. The transportation facilities are adequate and diverse. The climate, the food, and water supply are admirable. Here in Washington man and nature have worked well together to produce a city beautiful, a city worthy as a memorial to the man whose name it bears. Washington typifies truly the inspiration which comes to each citizen of the United States at the mention of the name of George Washington.

I shall not attempt more than a brief outline of his life and the effect he has had and still has on our destinies after the passage of 200 years. He was born February 22, 1732, in Westmoreland County, Va. At 16 he had charge of the survey of the Lord Fairfax estate in the Shenandoah Valley. So well did he do his work that Fairfax appointed him public surveyor. Thus commenced his public career. He was in turn frontiersman and soldier, legislator, soldier again, and finally statesman.

At the outbreak of the war between the Colonies and the mother country he was in the Virginia Legislature. Shortly thereafter he was elected Commander in Chief of the Army, and took command. During the desperate years which followed, his life was filled with dramatic moments which are known to all of us—Valley Forge; crossing the Delaware; rallying the troops at Monmouth; the surrender at Yorktown; and in 1783 his farewell to his officers.

The war was done. The Colonies were free. Henceforward we see George Washington, the statesman. Here again certain dramatic events stand forth in our minds—George Washington at the Constitutional Convention, his inauguration as our first President, his reelection, and his refusal of a third term, his Farewell Address, and his retirement. His great career closed with his death on December 14, 1799. One hundred and thirty-two years have passed. Yet he remains one of the greatest single influences in our lives. His words and deeds are with us yet, influencing and guiding us. As he was to the people then, so he is to us now—"first in war, first in peace, and first in the hearts of his countrymen."

With Washington as their leader, our colonial forefathers cleared away the wilderness and laid the foundation of the Nation, which has become the most powerful in the world—the United States. The qualities of truth, courage, and devotion in the youthful Washington developed and are revealed to us in his manhood by

his words of wisdom and prophecy, by his acts of leadership and sacrifice. His words are as pertinent to our welfare now as they were then. It is as important that we heed him and follow his advice now as then.

It was never more necessary that, as Washington advised, the country be kept in a state of complete national defense. It would be wonderful if the strong nations of the earth would agree upon a plan of disarmament which would reduce their armies and navies to the smallest strength needed for defense. But the fear of offense keeps them from doing so. Unless all will disarm, none will. So we must keep both our Army and Navy strong enough for complete national defense; likewise that new branch of defense, the air force.

We have always heeded Washington's advice to observe good faith and justice toward all nations. To cultivate peace and harmony with all is still one of our principal aims. We hope for, have done, and are doing everything possible to bring about world peace. But it must be peace with honor. Peace not involving us in the quarrels of other nations. His advice of "no entangling alliances" might almost have been given with present-day conditions in mind. He was indeed clear thinking and far-seeing.

Now, as then, we should chart and follow our own course, not that of any other nation. Now, as then, should we be indignant at every attempt of a foreign power to establish an influence in our councils. To-day there are in our midst men of alien thought and race who would sow the seeds of discord and disunion among us, who would overthrow our cherished ideals and traditions. We must rid our beloved country of all alien criminals and racketeers. As I have said more than once, the sooner such aliens are deported the better it will be for all.

What George Washington had to say on the subject of the established Government might be of interest at this time:

"Respect for its authority, compliance with its laws, acquiescence in its measures are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions and Government. But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established Government."

I have cited some examples of the almost prophetic wisdom of this noble character. I think there could be no more fitting close to this address than to quote you Abraham Lincoln's estimate of George Washington. Its simple dignity and sincerity can not be enhanced.

Lincoln said:

"Washington is the mightiest name of earth—long since mightiest in the cause of civil liberty; still mightiest in moral reformation. On that name an eulogy is expected. It can not be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name and in its naked, deathless splendor leave it shining on."

DEPORTATION OF ALIEN SEAMEN

The Senate resumed the consideration of the bill (S. 7) to provide for the deportation of certain alien seamen, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the Senator from Pennsylvania [Mr. REED].

Mr. BINGHAM. Mr. President, on the desk of each Senator is a copy of the printed hearings on the bill now before us. When the committee considered the bill there were a number of members of the committee who were new to the subject. There was no debate in the committee in regard to it, and the bill was reported out without hearings being held. Later the committee granted hearings, and last week hearings were held. There were only two or three members of the committee who were able to be present. At some of the hearings there was only one Senator present. Consequently, it seems to me important to call attention to the hearings and to the material that appears in them.

Mr. President, the bill is one which will cause very serious dislocation of our merchant marine. It is opposed by every steamship operator and by the operators of merchant vessels operating under foreign flags. The State Department, in a very able statement presented by Assistant Secretary of State Carr on behalf of the Secretary of State, strongly opposes the measure, because it is believed it will lead to serious difficulties with foreign nations.

Mr. President, these are times when we are trying our best in various ways to avoid international complications. We believe in avoiding international treaties which limit our freedom of action, and with that I am in entire accord. There are many Senators who believe in limiting the amount spent on the national defense, because they fear that if we spend money on ships, cruisers, airplane carriers, and airplanes it will lead foreign nations to do the same. They

fear that it may lead to international complications if we strengthen our national defense. Personally, I do not believe that it would. I believe the national defense is the best way of securing peace.

But, Mr. President, I should like to invite the attention of those Senators to the fact that in this bill we are sowing the dragon's teeth. They are the seeds of difficulties with foreign nations which make our relations with them unpleasant and which have in the past led to war. I do not say that they will lead to war in the future; I sincerely trust that they will not; but if we pass the bill and it becomes a law, it will so affect the carrying trade of at least 10 nations by interfering with their rights as to who shall serve on board their ships when those ships come into United States ports that it would be very strange if they did not impose similar reservations on our own ships and seek reprisals.

Mr. President, I am not drawing on my imagination when I say that the bill is very seriously regarded by foreign nations. In the hearings which are on the desks of Senators, on pages 3, 4, and 5, may be found selections from protests which have been made by foreign nations to the State Department. The Belgian Government in a communication stated that "the apparent aim" of this legislation to impose regulations in immigration matters is actually something which goes "contrary to certain customs generally accepted in international law." They state, very courteously, "that its application would create the most serious difficulties for Belgian ships frequenting United States ports."

Mr. President, it is generally held by the proponents of this legislation that it is intended to keep off the ships in the Pacific aliens from Asia who are not admissible to American citizenship, and that it will not affect our trade with Europe, yet we find the Belgian Embassy protesting that it will present "the most serious difficulties" for Belgian ships.

The Canadian Government objects and calls attention to the fact that "the proposals would result in drastic interference with the composition of crews of foreign vessels in United States ports. They would thus infringe on the accepted principle which provides against interference with the domestic economy of a foreign vessel."

Mr. President, may I call attention to the fact that every day there come into the ports of Puget Sound steamers from Canada, and under British practice there are probably in the crews of those steamers Chinese from Hong Kong and Indians from India, subjects of the British flag, serving properly, under the regulations of the Canadian merchant marine, on those ships; but under this proposed law it would be necessary for the authorities in Seattle to take those subjects of the British Crown off those ships, put them in jail until they could make certain inquiries, and then ship them back at the expense of the foreign government. This would interfere with the natural right of Canada to conduct her merchant marine in the way in which she desires to conduct it. Naturally she protests.

We find the Danish Government protesting that the bill, if passed, "would entail serious hardships * * * to Danish ships trading to ports of the United States," and that it would apply to aliens who are racially excluded and would seriously affect Danish ships using oriental crews.

Mr. President, what right have we to dictate to Denmark what kind of a crew she shall have in a ship flying the Danish flag that crosses the Pacific and comes into one of our ports?

If we should pass this bill and it should become a law, we would invite reprisals. We would invite foreign nations to tell us what kind of people we shall have on our ships when they go into foreign ports. It is more difficult to tell an American citizen by his speech or by his looks than perhaps the citizen of any other country, because our country has such a great mixture of races. We have millions of American citizens who speak Italian, millions who speak Polish and Russian, and millions who speak other foreign languages, and who speak English only imperfectly; yet some of those citizens on an American ship coming into a

foreign port might very well, under a reprisal act drawn precisely like this proposed act, be taken off those ships and put into jail at that foreign port until they were able to show that they were bona fide seamen and bona fide American citizens.

It was things similar to this, Mr. President, that led to the War of 1812, when our ships were held by British men-of-war and American seamen were taken off them on the theory that they were not American citizens but were British subjects. In other words, this is the kind of legislation that leads to international difficulties, to reprisals, and eventually to a state of mind which verges upon a willingness to break relations with us. Why should we, under the guise of protecting our shores against foreign undesirable immigrants, pass legislation which would interfere with the right of foreign nations to run their merchant marines in their own way just as we run ours in our own way?

The German Government has made various protests against this proposed legislation. The German Embassy in a note dated March 3, 1931, states:

The possibility of the enactment of these bills is causing the Government great concern, since that would not only deviate from international practice but would also seriously affect the rights of the German shipping companies * * * because the contracts concluded between the German shipping companies and their crews are governed entirely by German law.

While the bill does not affect our treaty rights with Germany, it actually does interfere with the right of the Germans to run their merchant marine in their own way.

The British Government has made several very strenuous and earnest objections to this measure.

Mr. President, I think most Senators know that the British ships operating across the Pacific have a considerable number of British subjects of Asiatic origin in their crews who would be prevented from serving on those ships by this legislation, if enacted. British ships coming from Hong Kong are quite likely to have in their crews a large number of Chinese from Hong Kong who are British subjects, and yet if such ships came into our ports with those British subjects, under this bill, if passed, the port authorities would be obliged to take those British subjects off the ships, lock them up, and send them back at the expense of the steamship company.

Similarly, Indian coolies are rightfully employed on British ships; they are British subjects, and why should they not be so employed? We can control their coming ashore, but what right have we to say to a British ship coming in, "You must surrender certain British subjects on your ship because we do not want them as immigrants; they will be locked up and deported on a separate vessel"?

Mr. President, I ask that the reading clerk may read the very brief but very strong presentation of its views made by the British Government only a few days ago. It covers the situation so fully and presents it so clearly that it is the best presentation I have seen of the views of those who are trying to prevent international complications from arising.

The PRESIDING OFFICER (Mr. HEBERT in the chair). Without objection, the clerk will read for the information of the Senate.

The Chief Clerk read as follows:

The avowed purpose of this bill is to reinforce the existing measures which exclude certain categories of aliens from the United States. In practice its effect would go much further. It is the general international understanding and practice and in accordance with international comity that when private ships of a foreign state are in port the territorial authorities refrain from interference with their internal economy. The bill in question, however, provides for interference with the composition of the crews of foreign vessels while in United States ports and is therefore in conflict with a well-established, well-recognized, and useful international practice. Moreover, it lays down that certain categories of aliens shall not be employed as seamen on foreign ships calling at United States ports. The British Embassy, under instructions from His Majesty's Government in the United Kingdom, have not failed to draw attention to this aspect of the bill in past years.

From the practical point of view also certain features of the bill would create many and grave difficulties for shipowners and masters. Section 6, for instance, provides that clearance shall be refused to vessels departing from United States ports unless they carry out a crew of at least the same number that they brought in. This provision, as again the British Embassy has pointed out

in the past, would be extremely difficult to comply with and might easily result in long and costly delays and make punctual fulfillment of sailing schedules impossible * * *

But it is section 7 of this bill which causes the gravest concern to His Majesty's Government in the United Kingdom. This section of the bill lays down that no vessel shall bring into a United States port any alien seaman excluded on racial grounds from the right of immigration to the United States unless he be a citizen of the country under whose flag the ship sails. Thus in practice all vessels with Asiatic elements in their crews, save only the vessels of Asiatic countries with crews consisting of their own citizens and, it seems, United States ships with Filipinos, would be debarred from entry to United States ports unless at the cost of deliberately incurring the penalties which the bill provides for its violation. All other ships in which Chinese and lascar seamen were employed would be gravely embarrassed by such a provision; but the measure would bear particularly hard on British tramp steamers trading with American ports in the course of their world voyages. For these especially the technical difficulty of eliminating from their crews the Asiatic elements in question would be so great as possibly to result in the necessity of their omitting United States ports from their sailing schedules, for the bill would leave them with no alternative but to submit on arrival to the removal of the Asiatics in question to a United States immigration station for deportation in a ship other than that in which they were brought and at the cost of the vessel in which they came.

In effect it would dictate to other countries in what manner they shall man ships which convey passengers and goods to and from the United States. If other countries should adopt similar and, perhaps, even mutually conflicting measures, international shipping would be brought to a complete standstill * * *

Mr. COPELAND. Mr. President, will the Senator yield to me just to make a comment?

Mr. BINGHAM. I yield.

Mr. COPELAND. It is the purpose of the Senator from Pennsylvania [Mr. REED], as I understand, to eliminate from the bill section 7, which has just been commented upon in this letter. That is the purpose of the pending amendment. Am I correct in that?

Mr. BINGHAM. That is correct.

The Chief Clerk resumed and concluded the reading, as follows:

There remains one aspect of the bill to which the British Embassy are instructed to draw particular attention. Operating as it does to debar British ships from employing as seamen even the natives of British colonies and dependencies, Indian lascars, for instance, and other British subjects who by reason of their race are debarred from the privilege of immigration to the United States, it conveys the impression of being specifically directed against the British Empire. As has been pointed out, it would involve a discrimination in favor of Japan, inasmuch as by specific exception from the general provisions of its article 7 it permits the ships of any sovereign nation to be manned with subjects of that nation but not with racially excluded citizens of its colonies or dependencies * * *

In the circumstances above described it will be appreciated that this bill, if passed, would deal a grievous blow to British shipping and could not fail to cause very considerable feeling in British shipping and commercial circles who would naturally ask that steps be taken to protect their interests.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. BINGHAM. Certainly.

Mr. NORRIS. I came in while the clerk was reading, and did not hear the first of the reading. Whose testimony is that?

Mr. BINGHAM. It is a statement from the British ambassador to the Secretary of State in a letter dated January 5, 1932, explaining what they believe would be the effect of the bill. It is very well put. It is in the testimony which the Senator will find on his desk, inserted by the Assistant Secretary of State on pages 5 and 6 of the testimony.

Mr. President, under the immigration laws we keep out all Asiatics, because they are not admissible to citizenship. At the present time crossing the Pacific there are many steamers operated by Americans—not as many as I should like to see, but there are steamers of the Dollar Line and some other lines. There are many steamers operated by the British; there are steamers operated by the Norwegians, the French, and the Dutch that use Asiatics in their crews. When they come into port it is the custom of the captain to pay for an extra watchman to see that they do not escape, because he knows that they will get into difficulty and that he will get into difficulty. At any rate, I am in entire sympathy with any efforts made to see that these aliens do not escape.

However, under this bill these foreign nations, particularly the British, the French, and the Dutch, that have colonies in Asia and that use their subjects on their ships, would have to change all their practices in crossing the Pacific and coming into our ports. They would have probably to abandon a good deal of their trade, and we would have to abandon ours, and it would go into the hands of the Japanese and the Chinese.

Under the Chinese flag or under the Japanese flag a ship with 100 per cent Asiatics can come into port every day. They are all, of course, bona fide coolie seamen. None of them are admissible under any other flag into that port. They would have to be taken off the ship, locked up, and sent home in some other ship; but if they came in on a ship under the Japanese flag or if they came in on a ship under the Chinese flag, they can come in; 50 of them can jump overboard and swim ashore and disappear; nothing happens to the steamship company, and we get that number of alien seamen into our ports, which we all deplore. There is no way in which that could be prevented.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Wisconsin?

Mr. BINGHAM. I do.

Mr. LA FOLLETTE. I am sure the Senator wants to be entirely fair in his discussion.

Mr. BINGHAM. Certainly.

Mr. LA FOLLETTE. I should like to call his attention to the fact that it would be necessary for the Japanese vessel he is describing in his example to depart with the same number of alien seamen with which she entered.

Mr. BINGHAM. Not under this bill, Mr. President. My reading of it is that they could take on board seamen of any country. They would not have to take the same number of aliens.

Mr. LA FOLLETTE. I think the Senator will find that it must be the same number of alien seamen.

Mr. BINGHAM. And if they were unable to secure them, then they could not depart? Is that the provision?

Mr. LA FOLLETTE. As I read the bill, it would provide that a ship entering with a certain number of aliens on board would be required to depart with the same number. She could not get her clearance papers unless she did have the same complement of aliens in departing that she had in entering.

Mr. BINGHAM. Does the Senator refer to section 6?

Mr. LA FOLLETTE. Yes.

Mr. BINGHAM. I do not see any reference to alien seamen there. In fact, an amendment embodying the sense of what the Senator says was suggested by the State Department as a way of meeting the difficulty.

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

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

Mr. BINGHAM. I yield to the Senator.

Mr. COPELAND. I fear that the Senator from Wisconsin is mistaken about the ship being required to take aliens. He will find, if he looks at page 3, line 15, that when departing, the ship must carry a crew of at least an equal number. It does not say that it shall be an equal number of aliens.

Mr. LA FOLLETTE. I think the Senator is correct about that, and that I am mistaken. I was under the impression that it provided for departure with a crew that contained the same complement of aliens as those with which the vessel entered.

Mr. COPELAND. That is one of the complaints against the bill from the American standpoint—that a ship might come in and 15 aliens leave it, but in replacing those aliens they might take 15 Americans, so that we would have our number of unlawfully admitted aliens increased by 15, and our number of actual citizens decreased to the same extent.

Mr. BINGHAM. That was my understanding; and if the Senator will look at the testimony on page 20, he will find that the Senator from Utah [Mr. KING] refers to that very fact, and asks whether there would be any objection to this

provision which would permit American boys to take the place of the aliens on shipboard.

Mr. NORRIS. Mr. President—

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

Mr. BINGHAM. I yield to the Senator.

Mr. NORRIS. I am wondering if the objection the Senator makes would not be fully provided for if a simple amendment were added so that they would have to take out the same number of aliens that they brought in. Would not that meet the objection?

Mr. BINGHAM. Yes; that would meet that objection, Mr. President; and I think that amendment was suggested by the State Department but has not been included in the bill. If the Senator will prepare it, I shall be very glad to vote for it.

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

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

Mr. BINGHAM. I yield.

Mr. COPELAND. The difficulty with the proposal made by the Senator from Nebraska is that if it were made mandatory that aliens only should be used to make up the deficiency by reason of desertion, the ship might be held up a long time in an effort to find those aliens. It might well happen that on West Street, in New York, the seamen waiting for work would be all Americans, as many of them are; but I think there would be the same objection on the part of foreign critics if the ships were required to take aliens only, because of the difficulty of locating them.

Mr. NORRIS. On the other hand, if the Senator will permit me, if we are trying to keep out aliens who are not entitled to be here, we shall have to resort to something of that kind. Otherwise foreign shipping could completely nullify our immigration laws. Probably it would mean a hardship. They would have to exercise greater care in preventing these men from getting away if they are not entitled to.

Mr. COPELAND. Mr. President, if the Senator from Connecticut will bear with me a moment in replying—

Mr. BINGHAM. Certainly.

Mr. COPELAND. We are in conflict in this bill with the splendid La Follette Act, the seamen's act of 1915, because that act permits any seaman on the ship, by giving notice to his captain of his intention to leave the ship, to leave it; and there is a proviso in the act that that shall apply to foreign ships as well as to ours.

If the quick turnover were interfered with—and that is a very important thing in shipping, as I understand, that they shall come and make their call and go away again as quickly as possible—if they were under the necessity of actually examining microscopically every prospective seaman to make sure that he was an alien, it would very seriously interfere with shipping and undoubtedly would lead to reprisals which would embarrass us in other countries.

Mr. BINGHAM. May I call the attention of the Senator from Wisconsin to the testimony on page 16 of the hearings, in which Mr. Hodgdon, representing the State Department, said:

If the provision of the bill read that they should take out as many aliens as deserted here of like kind, that is, aliens who are not entitled to permanent residence, then you would have a real immigration bill. This appears to be a seamen's bill and not an immigration bill. But the popular opinion of the bill is that it is going to stop the illegal increase in the alien population in the United States by immigration as the result of alien seamen deserting. So what have we gained? We are in statu quo.

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

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BINGHAM. I yield.

Mr. KING. I do not want to interrupt the Senator. Apropos of the statement just read by my friend, one of the leading opponents of the bill has been for several years the attorney for the shipping interests—the international shipping interests as well as the local shipping interests, if we can differentiate. The testimony does not indicate that we can. He has appeared upon several occasions; and when

that suggestion was made two or three years ago when he testified he said it was a futile thing; that you could not go out when a boat was ready to start and, if there were a lot of deserters, find aliens to take their place. It might take you a month, it might take you weeks; and in the meantime the vessel would be held up, and it would constitute a complete embargo. He said the protests would be so great that that plan is absolutely unfeasible, notwithstanding it might be desirable to have the vessels take aliens.

Mr. BINGHAM. I wish the Senator from Utah had been as anxious to please the steamship companies in other matters in this bill as he was in this particular. It has been shown that the Senator from Wisconsin [Mr. LA FOLLETT] was under a misapprehension in regard to my statement that the bill permits a Chinese ship to come in under the Chinese flag with a crew of bona fide seamen composed 100 per cent of Chinese, and 50 of them might jump overboard and swim ashore, and then the ship would have to take whatever seamen it could get to take their places to take the ship back to China. The point I am trying to make is this: We are by this bill driving our own ships off the Pacific, interfering with the entrance into our ports of the ships of foreign nations like England and Holland and France that have colonies in Asia who use their subjects on board their ships, and playing into the hands of two other friendly countries, Japan and China, by making it easier for them to secure business, because they can bring crews 100 per cent Asiatic into the ports, and we are not really protecting our ports against the entrance of aliens. We are promoting the commerce of two Asiatic nations at the expense of the commerce of our own Nation and of European nations.

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

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BINGHAM. I yield to the Senator.

Mr. KING. I apologize for interrupting my learned friend in his, no doubt, very able discussion. I do not agree at all with the conclusion just drawn by my friend.

The Senator knows that within a very few weeks now, under existing laws, American steamship companies will be compelled to man their ships with at least 66 per cent American seamen. They may not employ Chinese or Japanese—that is, those who are excluded—but they can employ any other seamen that they may desire, other than those that are excluded. Under the present law, if we do not amend it, an English ship or a ship of any other nation may come into our shores with excluded seamen—with Chinese, with Japanese, with Malays, or lascars. If we do not pass this bill, our American shipping will be at a disadvantage.

Mr. BINGHAM. And if we do pass it our shipping will disappear from the Pacific.

Mr. KING. I do not agree with the Senator at all. In the first place, the wages now paid to Japanese are greater than the wages paid in many of the European countries, and are fast approaching the level paid to American seamen. The Japanese do not desert. The Japanese will stay on their own ships. The Chinese are not at all a factor in the shipping in the Pacific.

Mr. BINGHAM. The Senator will make them a factor in the shipping of the Pacific.

Mr. KING. One American upon our ships is doing the work of two Japanese, and we can operate our ships as cheaply as the Japanese can operate theirs. As I say, the Chinese are no factors at all in the Pacific trade or elsewhere.

Mr. BINGHAM. But the Senator would make them a factor. Everyone knows that there are large Chinese shipping companies operating ships flying the Chinese flag going up and down the coast of China, and away into the interior. Everyone knows that the Chinese were a seagoing race, with a mariner's compass, long before our ancestors ever ventured out of sight of land. Everyone knows that many of the most daring seamen in the world are on ships flying the Chinese flag. To be sure, they are known as "pirates." To be sure, they have made certain parts of the southeastern Asiatic

waters unsafe for the ordinary tramp steamer. But the fact remains that those ships are operated by adventurous Chinese seamen, born and brought up on the water. The fact that Chinese ships do not cross the Pacific to-day is due to other causes. If this bill shall be enacted, it will not be long before we shall see steamship companies operating ships flying the Chinese flag operating across the Pacific. To be sure, they may have on board, as many Chinese steamers do to-day, a Scotch chief engineer to keep the engines running, engines being a little difficult for Chinese chief engineers. They may have a British or a Norwegian captain, as many Chinese steamers have to-day. But the crew will be composed entirely of Chinese, and we shall have irritated and interfered with the legitimate commerce of our friends of Europe, who have colonies in Asia, and we shall have driven our own ships off the sea.

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

Mr. BINGHAM. I yield.

Mr. FLETCHER. It seems to me that this whole matter may be boiled down to this, and the Senator's argument carried to its conclusion leads to this, and I am prompted to ask him a simple question. Does the Senator favor the use of aliens in crews on American ships or shall we exclude them. That is the whole problem.

Mr. BINGHAM. Mr. President, that is not involved in the argument I am making. May I ask the Senator a question? Is the Senator in favor of telling foreign nations what kind of crews they shall have on their ships?

Mr. FLETCHER. Not at all.

Mr. BINGHAM. Then the Senator is opposed to this bill. That is what this bill does. It does not simply say to American ships, "You can not have aliens on board"; it says to foreign nations—for instance, it says to England—"You can not have in the crew of your ship that comes from Hong Kong to San Francisco any British subject of the Chinese race who came from Hong Kong." It says to Holland, "You can not have on board any Javanese who are Dutch subjects on your ships. They can not come into our ports, even though they are Dutch subjects who originate in Java." It says to France, "You can not have on your ships crossing the Pacific and coming into our ports from French Indo-China those Chinese who are subjects of the Republic of France."

That is why I am objecting to the bill. If the Senator will draft an amendment to provide merely that American ships shall not carry aliens, he will remove the chief objection to this bill I am urging at present, which is that it attempts to instruct foreign nations how to do their business and invites them to make reprisals on us, which may lead to very serious international complications.

Mr. COPELAND. Mr. President, will the Senator from Connecticut yield?

Mr. BINGHAM. I yield.

Mr. COPELAND. If I may be permitted by the Senator from Connecticut to say a word to the Senator from Florida, it seems to me that the Senator from Florida could accomplish what he has in mind by an amendment to the shipping act. I suppose it is perfectly competent for us to say that any American ship, whether it receives Government subsidies or not, must have a crew composed entirely of Americans. But the trouble with this bill, if I may be permitted to say it, is that it does not relate to our shipping but places such restrictions upon foreign ships that there are sure to be reprisals which will affect adversely the American merchant marine. I commend to the Senator what seems to me to be the seriousness of the pending bill.

Mr. FLETCHER. Mr. President, I can see the force of that position, but I gather from the argument of the Senator from Connecticut that he is stating that the American merchant marine would be driven off the sea because we would have to compete with foreign ships carrying crews paid very much lower wages, and so forth, which led me to ask whether or not the Senator intended that American ships ought to be permitted to have crews composed of aliens.

Mr. COPELAND. I did not get that impression from what the Senator from Connecticut said, and he will correct me if

I am wrong. I thought he was bringing out the point that if we were to pass this bill it might, for instance, drive into the Atlantic trade Japanese ships, because they could come into that trade under this bill, if it shall be enacted, without the slightest restriction upon their activity, and with their lower standards of living and their cheaper wages they could drive our trans-Atlantic ships off the ocean. That is what I think the Senator from Connecticut had in mind, as I understood him.

Mr. BINGHAM. Mr. President, may I say in reply to the question of the Senator from Florida that I think he and I are agreed in our desire to promote the American merchant marine? We want to see the American flag on the high seas. We want to see American ships manned by Americans. To accomplish that and to enable our ships to compete with foreign ships paying the wages paid by foreigners it is necessary to grant increased subsidies. I do not know the position of the Senator on subsidies, but personally I would be willing to vote increased subsidies to ships in order to enable American ships to meet competition on the Pacific.

This bill goes much further than that, however. It involves us in difficulties with foreign nations. It places a preference, it gives a bonus, to two Asiatic nations, and says, "You can operate across the Pacific with Asiatics, and your competitors in Europe—the Norwegians, the French, the Dutch, the British—can not do so. They can not operate across the Pacific even with their own subjects, if they come from British, French, or Dutch possessions in Asia."

It does not seem to me that that is fair. It is interfering with their business. It is not minding our own business. It is not building up the American merchant marine. It is building up the Chinese merchant marine and it is building up the Japanese merchant marine, so far as the Pacific is concerned.

For the reasons I have stated, I am in favor of the amendment offered by the senior Senator from Pennsylvania [Mr. REED].

Mr. VANDENBERG. Mr. President, the pending amendment, as just indicated, is the amendment offered by the able senior Senator from Pennsylvania [Mr. REED], who is unavoidably absent to-day. I think the position of the senior Senator from Pennsylvania should be briefly restated before a vote is taken.

Certainly no one in this Chamber could remotely suspect the senior Senator from Pennsylvania of any interest inimical to the most rigid, drastic immigration limitation that can be applied. If there is one man more than another who has stood upon this floor for the protection of our American shores against immigration it is the senior Senator from Pennsylvania. Therefore it must be obvious to all of us that his proposal, this pending motion, does not arise out of any desire to break down any new limitations that can be applied successfully to immigration. That certainly is my own position also. We would join in drawing the immigration ban against every possible jeopardy from alien seamen.

The senior Senator from Pennsylvania is seeking to reach a totally different objective. It is an objective which this pending bill does not presume, upon its face, to touch at all, yet which inherently this bill does affect most seriously. It is the life of the American merchant marine.

Let us come back to the real question which is submitted to the Senate by my able friend the senior Senator from Pennsylvania in the pending proposal, to wit, that entirely aside from the question of immigration the pending measure is a threat to a continuing merchant marine, particularly upon the Pacific Ocean, under the American flag. I emphatically associate myself with his position.

He is not without credentials when he presents that point of view, and when I echo it I call the Senate's attention to the fact that the United States Shipping Board, the official adviser of the United States Government in respect to matters of this technical character, has passed a resolution reading as follows:

Resolved, That the United States Shipping Board does not approve the passage of S. 202 in its present form and at the present time, because the board believes the bill to be inimical to the best interests of the American merchant marine.

Mr. President, any such positive warning from such an authoritative source can not be safely ignored by a Senate contemplating judicial determination. Surely we can consider, set off by itself, the question of whether or not this bill is inimical to the American merchant marine without being accused, directly or indirectly, of having an interest in breaking down new immigration restrictions. The question raised by the pending motion, submitted by the senior Senator from Pennsylvania, relates exclusively to the question of whether or not we shall do something which probably is inimical to the American merchant marine. It specifically relates to employment because there is no maritime employment whatsoever unless we keep our ships upon the sea.

Mr. President, this bill never went to the Committee on Commerce of the Senate, where matters relating to the merchant marine are supposed to be canvassed. It has never had one moment's consideration by that branch of the Senate which has primary jurisdiction over a phase of the pending measure which, we are deliberately and officially advised, is inimical to the American merchant marine. If we destroy the possibility of competitive operation of American ships by putting them at a competitive disadvantage, we render profound disservice to the country and all its seamen and all its people. Even an immigration measure must not be permitted to do more harm than good. The inimical element, when identified in the proposed legislation, should be removed.

Why is it inimical? The Senator from Pennsylvania presented the unanswerable proofs on yesterday. The Senator from Connecticut has made it perfectly obvious why it is inimical, and I rise only to add emphasis to what he has said, and to observe that if the American merchant marine upon the Pacific must be forced precipitously to be manned 100 per cent with American crews, including the steward's departments, it is next to a physical impossibility for it to hope successfully to compete with its Asiatic competitors for the Pacific trade, when these same competitors can come over these same lanes and into these same American ports without these same strictures.

It must be remembered that we have set up in our merchant marine law a deliberate, progressive schedule, under which we are supposed ultimately to reach the climax of American personnel upon our ships—a climax which we certainly all want ultimately to reach. Whether meditated or not, here is an effort to amend, if not to destroy, the deliberate schedule which thus has been set up in the regular fashion in our regular merchant-marine legislation covering this fundamental point. I submit it is the wrong way to approach a question of such far-reaching implication, and I submit that we trend in an exceedingly dangerous direction.

Mr. President, next to the senior Senator from Washington [Mr. JONES] the man upon this floor, who, perhaps, has the best information respecting a problem of this character, is the junior Senator from Maine [Mr. WHITE], who for many years was chairman of the Committee on Merchant Marine and Fisheries of the House of Representatives, and whose name is connected with that of the senior Senator from Washington in the authorship of the great merchant marine act, under which we are proudly developing our maritime commerce under the American flag. I want to ask the attention of the junior Senator from Maine to a question, if he will permit me to submit it.

I should like to ask the Senator whether it is not a fact that in the development of our merchant-marine legislation a careful schedule was prepared and created by statute under which there is a progressive program to control the American element in the crews of American ships. I ask the Senator to give me his view upon this question and whether he thinks it wise for us to depart from the basic law as is proposed in the pending measure.

Mr. WHITE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Maine?

Mr. VANDENBERG. I yield.

Mr. WHITE. I did not intend to project myself into this debate, but I can not resist the urging of the question.

What the Senator has said is true. The whole matter of percentage of Americans which should be in crews of American vessels has been under consideration at various times in the past and was specifically under consideration when the 1928 act was passed.

I do not know how fully the Senator from Michigan desires me to answer his question; but if I am not trespassing, may I give a little of the history of past legislation on this subject?

Mr. VANDENBERG. I wish the Senator would proceed.

Mr. WHITE. There never has been in this country and so far as I know there never has been upon the statute books of any marine nation of the world a provision requiring that all the crews of the vessels of those nations should be of the nationals of those nations. When we passed the ocean mail act of 1891 there was written into it a provision with respect to the percentage of the crews which should be American. It provided in the first instance in the first year one-fourth part only of those crews should be American. It then provided that for the next two years one-third only should be American, and that after the third year one-half only should be American. I have not taken the opportunity to look it up, but my recollection is that those figures were exclusive of the steward's department, though I may be in error as to that.

When the seamen's act of 1915 was enacted, sponsored by one of America's great, the father of the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], there was written into it no provision with respect to the citizenship of our crews, although there was carried in the law a requirement that a certain percentage of the crews should be able to understand the language of the master of the vessel.

When we came to the 1928 act, we undertook to raise higher the standards for our ships. After long consideration, after debate on the floor of the House of Representatives, we provided that in the first four years of the operation of that law one-half of the crew should be American. The general provisions of laws have been for many years that all officers must be American. Then there was provided in the 1928 act that at the expiration of four years two-thirds of the crews, including the deck and engineer's and steward's departments, should be American citizens. That four years ends this coming May.

Mr. VANDENBERG. May I interrupt the Senator to inquire why it was thought inadvisable to require a complete and sudden Americanizing of the crews and why those particular percentages were chosen?

Mr. WHITE. The percentages themselves were somewhat arbitrary. They were based upon the best judgment of the committees drafting the legislation that that was all we could reasonably hope for and that it was all we ought to exact.

I have said that there is no maritime nation of the world which undertakes to require that all its crews shall be exclusively of its nationals. Neither Great Britain nor Germany nor France nor the Scandinavian countries nor Japan require that. The trouble with this piece of legislation, as I see it, is that it applies not only to that limited number of vessels receiving aid from the Government of the United States under the 1928 act but to all vessels of all nations, and it applies to all vessels of the United States, whether engaged in foreign trade, in the intercoastal trade, or in the coastwise trade.

Mr. President, out of more than 25,000 vessels of the United States documented under our laws only approximately 265 or 270 are receiving aid under the merchant marine act of 1928, and yet here is a proposal to place immediately upon the vessels sailing in the Pacific a requirement that 100 per cent of their crews shall be American citizens.

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

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

Mr. VANDENBERG. I yield.

Mr. KING. I dislike to interrupt the Senator from Maine, but the Senator is in error if he assumes that the bill requires the United States or any other nation to have 100 per cent of their nationals as crews.

Mr. WHITE. It does not so provide in terms, but in practical effect it does, because upon the Pacific the crews of American vessels are made up of Americans or they are made up of Asiatics. The alternatives are a mixed crew of that character or a crew of 100 per cent Americans. That is the practical effect of the bill, whatever the letter of its provisions may be.

Now, if the Senator from Michigan will permit me further—

Mr. VANDENBERG. With pleasure.

Mr. WHITE. The vessels sailing upon the Pacific are three-quarters of their time in tropical climes. Experience has demonstrated that we can not take a white man and put him into the holds of the steamers, put him into the steward's department of those steamers, and require him to serve there three-quarters of the time in those torrid areas.

So far as I am concerned I am quite willing to pass by the commercial aspects of the matter, but I am against the proposal because of social considerations. I am not myself willing, Mr. President, to give assent to a proposal which means that an American boy or an American seaman must go down in the stokehold of one of those steamers in the Far East and work in these veritable "black holes of Calcutta." In my view that is not a dignifying of American labor, but is a degradation of American labor.

Mr. President, these steamers, as they move about in the Far East stopping at eastern ports, have passenger lists made up of Filipinos, Chinese, Malays, and lascars, and Asiatics of all characters and of all nationalities. I am not myself willing to support a measure which means that an American boy must go into the steward's department on one of those boats, whether in the first class, the second, or third class or steerage of those vessels, and wait upon those Asiatics, shining their shoes, doing the menial tasks of a steward. That is not my conception of the dignity of American labor. I am not for any measure that takes Asiatics out of the stokehold and out of the steward's department of vessels in these eastern trades and puts in their places American citizens and American boys.

I hope I have answered the Senator's question.

Mr. VANDENBERG. Mr. President, I realize the interruption has been proceeding out of order, but it has been proceeding very responsively to my request. I confess to the Senate and the Chair that I have now accomplished the purpose for which I originally rose. The junior Senator from Maine [Mr. WHITE] has been sitting here quietly and modestly, armed with perhaps greater information respecting this subject than most of the rest of us put together. He has been sensitive—I think supersensitive—to the feeling that his comparative youth in this body should hold him quiet in his seat, perhaps due to a particularly acute and inherited esteem for this body which comes down from his grandfather, the distinguished former Senator Frye, of Maine. I did want him to testify. He has made all the speech I wish to submit to the Senate on my own account in respect to this problem.

Mr. KING. Mr. President, I think the chairman of the committee in charge of the bill desires to be heard.

Mr. McNARY. I think we should have a quorum under the circumstances. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Brookhart	Costigan	Glass
Austin	Broussard	Couzens	Glenn
Bailey	Bulkey	Cutting	Goldsborough
Bankhead	Bulow	Dale	Gore
Barbour	Byrnes	Davis	Hale
Barkley	Capper	Dickinson	Harris
Bingham	Caraway	Dill	Harrison
Black	Carey	Fess	Hatfield
Blaine	Connally	Fletcher	Hawes
Borah	Coolidge	Frazier	Hayden
Bratton	Copeland	George	Hebert

Howell	McGill	Pittman	Townsend
Hull	McKellar	Robinson, Ark.	Trammell
Johnson	McNary	Robinson, Ind.	Tydings
Jones	Metcalf	Schall	Vandenberg
Kean	Morrison	Sheppard	Wagner
Kendrick	Moses	Shipstead	Walcott
Keyes	Neely	Smith	Walsh, Mass.
King	Norbeck	Smoot	Walsh, Mont.
La Follette	Norris	Steiner	Waterman
Lewis	Nye	Stephens	Watson
Logan	Oddie	Thomas, Idaho	Wheeler
Long	Patterson	Thomas, Okla.	White

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present. The question is on the amendment proposed by the Senator from Pennsylvania [Mr. REED], which will be stated by the Secretary.

The LEGISLATIVE CLERK. The Senator from Pennsylvania proposes to strike out all of section 7, as follows:

SEC. 7. No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien who if he were applying for admission to the United States as an immigrant would be subject to exclusion under subdivision (c) of section 18 of the immigration act of 1924, except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation or any person not racially excluded who is a bona fide seaman as a member of the vessel's crew, exclusive, however, of any citizen, subject, or inhabitant of any colony, dependency, or mandate who is racially excluded from coming to the United States as an immigrant. Any alien seaman brought into a port of the United States in violation of this provision shall be excluded from admission or temporary landing and shall be deported, either to the place of shipment or to the country of his nativity, as a passenger, on a vessel other than that on which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. KING. Mr. President, the bill under consideration is not new; it has been before the Senate for a number of years and in substantially the same form it was considered in the House of Representatives in 1924. The same objections now urged against the bill were urged when it was being considered in the House, and they have been vigorously asserted in the Senate during the past six or eight years.

The bill has been considered by the Senate Committee on Immigration four or five times, and extensive hearings have been conducted. There was no necessity, Mr. President, for further hearings by the Senate Committee on Immigration because all possible objections to its provisions had been presented and its merits and demerits, if any, had been fully considered. Notwithstanding the lack of need for additional information, those in charge of the bill agreed that the Senate committee might receive any statement for or against the bill and report the same to this body. That has been done, and there is before us the testimony given before the committee on the 22d and 23d of this month.

I understood that the chairman of the committee [Mr. HATFIELD] was to address the Senate at this time, but I am advised that he will be detained for a short time. Pending his return I shall occupy the floor and discuss briefly some questions raised by opponents of this bill.

The Senator from Connecticut [Mr. BINGHAM] complains because the bill was not referred to the Committee on Commerce. I am not able to follow his argument. This bill is supplemental to the immigration laws; it is essentially and primarily an immigration measure, dealing with immigration problems. The inadequacy of the present immigration laws has been referred to by officials of the Government charged with their enforcement and recommendations made looking to the strengthening of their provisions. The claim is often made that our immigration laws have been fairly effective in closing the "front doors" to undesirable or inadmissible aliens, but they have left open the "side doors," through which more than 500,000 persons have illegally entered the United States during the past 8 or 10 years.

Mr. COPELAND. Mr. President, will the Senator from Utah yield to me?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. Surely the Senator from Utah does not contend that those persons came as alien seamen?

Mr. KING. The testimony given before the Senate Committee on Immigration and statements emanating from Government officials attribute most of these illegal entries to persons who entered our ports as seamen but who were not seamen in the true sense, and evaded the immigration laws, in order to enter the United States. They were mala fide seamen and not entitled to come to our shores.

When the immigration laws of 1917, supplemented by other laws culminating in the act of 1924, placed restrictions upon immigration and limited the number of immigrants who might annually enter the United States, many persons sought to evade the laws and discovered that they might or could reach our shores by pretending to be seamen and shipping as such upon vessels sailing to our ports. So tens of thousands of aliens who were not seamen, who did not intend to become seamen, were accepted by masters of vessels and were brought to the United States, where they were admitted upon the claim by them and the officers of the vessels upon which they were shipped that they were bona fide seamen and as such were entitled to be admitted upon the same grounds as persons are admitted who are bona fide seamen.

Mr. DAVIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. KING. I yield.

Mr. DAVIS. Did not the official representatives of American and foreign shipping companies publicly testify before the Immigration Committee last Saturday, as shown on pages 42 and 63 of the hearings, that it was the established policy of the shipping companies to detain persons racially excluded on board their ships and prevent their leaving such ships in American ports? In other words, do they not forbid seamen of excluded races from coming ashore who, under the La Follette Seamen's Act, are given the right of 60 days' entrance into the country?

Mr. KING. There was testimony such as indicated by the Senator, but there is an abundance of evidence showing that excluded aliens do enter the United States in derogation of the immigration laws, and that aliens racially excluded ship as seamen who are not seamen, and thus reach the shores of our country. The evidence also establishes that many aliens are smuggled into the United States, that they come in ships from beyond the seas and by devious means effect entrance.

Mr. DAVIS. Is there not a fine of \$1,000 under the immigration law imposed on foreign seamen coming ashore without permission of the captain of their ship?

Mr. KING. Yes.

Mr. DAVIS. They keep oriental seamen on board the ships, or, in other words, make the ship a sort of prison to prevent them from coming ashore. Does not such a practice constitute involuntary servitude?

Mr. KING. The law imposes a fine, as stated by the Senator, when our inspectors require the captain to detain persons not legally admissible and he is derelict in his duty. But thousands of persons brought to our shores in foreign and American ships leave the ships and mingle with our population. As stated, many are mala fide seamen and are not entitled to the privileges of seamen. Some are racially excluded from our shores; others have no proper visas, or for various reasons are not of right entitled to entrance and should be deported. It is contended that ships are not prisons and may not hold even mala fide seamen against their will.

There are decisions of courts that do so hold individuals upon ships is illegal and in contravention of the thirteenth amendment to the Constitution of the United States, which prohibits involuntary servitude. I have received a letter since coming into the Chamber a few minutes ago—which may not be quite germane to the question propounded, but I shall be glad to read a few lines, as indicating the treatment accorded seamen in the ports of many other countries. Before doing so, however, let me say that when the La

Follette Seaman's Act was under consideration, it was made plain that these ships in our ports could not be converted into prisons, and that there should be no involuntary servitude even upon foreign ships while in American ports. So our laws have not prevented bona fide seamen from leaving their ships and having shore leave for 60 days.

Under the pending bill bona fide seamen may enter the United States; mala fide seamen are denied the right, but they are not held upon the vessels carrying them. They are taken in charge by the Government and detained on shore until they are returned to the port from which they came or to the country of which they are subjects. However, they have their day in court; they may appeal to the Secretary of Labor to determine whether they are illegally held. If the decision is favorable to them, they are released. I call the attention of Senators to the fact that there are maritime nations that erect almost impossible barriers against alien seamen who enter their ports, regardless of their race or color. For reasons or without reason they capriciously act and refuse to permit alien bona fide seamen to enter their ports.

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

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. Under the La Follette Seaman's Act, section 4530, the shipmaster is obligated to let a seaman come ashore whether he is an alien or a noncitizen or ineligible to our citizenship. Is not that the case?

Mr. KING. That is true, generally speaking, of bona fide seamen.

Mr. COPELAND. Under this bill if a ship came into one of our ports and there were a seaman on board who did not care to go ashore, who did not care to become an applicant for citizenship, yet under this proposed act he could be taken from the ship. Is not that correct?

Mr. KING. I do not agree with the Senator's construction of the bill. If the person is a mala fide seaman, then he is subject to detention and will be taken to the detention camp to be held for deportation.

Mr. COPELAND. I think that is in the language of the bill.

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

Mr. KING. I yield.

Mr. BLACK. The Senator from New York asked a question with reference to a subject in which I am interested in my consideration of section 7. Line 9 on page 4 says that—

Any alien seaman brought into a port of the United States in violation of this provision shall be excluded from admission or temporary landing and shall be deported, either to the place of shipment or to the country of his nativity, as a passenger, on a vessel other than that on which brought.

The question I have in mind is this:

Suppose a Chinaman, for instance, had been employed on a Swedish boat and the boat came into a port of America. Under this law, as I have construed this sentence from not a very extended study, it seems to me that the authorities would be compelled to take him from that boat and to have him shipped back on a boat other than the one on which he came. Is that contrary to the Senator's construction?

Mr. KING. Under the present immigration laws such alien could not legally enter the United States, and under this bill, as I understand it, the alien, whose status is that of a person recently excluded from the United States, would be subject to detention and deportation by the United States at the expense of the vessel bringing him to our ports. It would be the duty of the Government inspector when he discovered the alien to take him to a detention camp, as it would be his duty to remove a person who had a contagious disease or who was not admissible as an immigrant and hold him until he could be deported upon some other vessel than that upon which he came to the United States, and at the expense of the vessels that brought him to the United States.

The Senator understands that for many years in the United States, whether morally right or otherwise—I shall

not enter into the ethical question—the American people decided that persons of certain oriental races should be excluded from the United States, and our immigration laws were enacted to secure that result. This bill is not intended to abrogate existing immigration laws, but, rather, to supplement them.

Mr. BLACK. May I say this to the Senator with reference to this section as thus construed:

The Senator probably knows my views on immigration. In so far as I am concerned, if I could, I would strengthen the laws and reduce the number of immigrants into this country, particularly during times of depression. I am in sympathy with the object of the Senator in the passage of this bill. It is true that we do say that Chinese and persons of certain other Asiatic races can not become citizens; but I am wondering if the Senator thinks we should go to the extent indirectly of legislating in such a way that a Chinaman would be prohibited from being employed on a boat of any other country if that boat intended to come to a port of this country.

If it is merely a question of prohibiting the immigration into this country of the Chinese or any other group, I am strongly for the idea; but, somehow, I can not believe that it would be morally justifiable on our part to pass a law which would say to a Chinaman, because he is a Chinaman, that he could not be employed on a Swedish boat which might land in America, and yet an Englishman or a Frenchman or a native of some other country could be employed on that boat. I am wondering if it would not invite, and justly invite, some kind of retaliatory legislation which would prevent an American from getting a job on some other boat.

Personally, I should be very glad if the Senator would consent to some kind of amendment to the measure, if it is at all in line with his idea, which would not place us in the attitude of putting up an impossible barrier against a Chinaman or an Asiatic who wants to work getting a job on some foreign boat. If it gets down to the question of his landing, that is a different proposition; but, as strongly as I am opposed to foreign immigration, I do not believe I could get my consent to vote for a bill containing a stipulation that might prevent a man, simply because he belongs to a particular race, from working under the sovereignty of another nation on boats which are under the sovereignty of another nation.

I have not understood from the Senator's remarks heretofore that he wanted his bill to go to that extent. That was the idea I had in mind.

I beg the Senator's pardon for the long explanation; but in order to have the issue clearly drawn I did not find it possible to state my views in any briefer way.

Mr. KING. I think I understand the Senator. I can understand that there might be, in the minds of some Senators—

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

Mr. KING. I yield.

Mr. HATFIELD. The Senator knows, of course, that nationals sailing under their own country's flag have a perfect right to land in American ports. He also knows that Asiatics sailing upon a foreign ship or upon an American ship have no right of entry into an American port. Notwithstanding this, we find in the record of the recent hearings that those who are not admitted to American ports were detained upon ships in the ocean, not permitted to land in American ports. The Senator is aware of that fact?

Mr. KING. Yes; that is, racially excluded aliens have been held on board of ships by the officers of such ships during the period they were in our ports.

Mr. HATFIELD. That is an answer to the interrogation of the Senator from Alabama, I believe. This proposed law does not change the existing conditions at all. The law that now controls still prevails in case of the enactment of Senate bill No. 7.

Mr. BLACK. I beg the Senator's pardon, but will he allow me to make just one statement in reply?

Mr. KING. Yes.

Mr. BLACK. Not in reply, because my questions are not asked with any antagonism to the purpose of this bill. I favor the purpose of it. I understand, however, that the bill, if enacted, would bring about this result: That a Chinaman could enter into the ports of this country on ships of his own country.

Mr. HATFIELD. That is true.

Mr. BLACK. That a Japanese could enter into the ports of this country on a boat of his own country.

Mr. HATFIELD. That is true; and have the same consideration and treatment that others have.

Mr. BLACK. That a Frenchman could enter into the ports of this country on the boats of his nation, just as anyone else could.

Mr. HATFIELD. And those of other nations as well.

Mr. BLACK. That is correct. But, going further, if I correctly construe this bill, it would prevent and absolutely prohibit any Chinaman or any Japanese or a member of any other of the so-called excluded races from securing a job on a boat of any country except his own if it intended to come into an American port, but it would permit a Frenchman or an Englishman to come into this country on the boats not only of his own country but of any other country in the world.

Mr. HATFIELD. That is not my understanding as to the Asiatics.

Mr. BLACK. Section 7, I think—and I have asked the Senator and he agreed with my construction—is very clear to that effect. The point I make is this: Being as strong an opponent of foreign immigration into this country, I believe, as any Member of the Senate, having offered on several different occasions a bill to put up the bars absolutely for a period of years, to prevent any foreign immigration, at the same time I am not content to vote for any measure which, in my judgment, is not fair to the people of any other country. I can not see any justice in excluding a Chinaman from getting a job on a Swedish boat, and at the same time announcing to the world that we would approve the idea of a Frenchman getting a job on a boat of another country. It would seem to me to be a barrier which could not be justified, either in morals or in good faith between nations.

If section 7 has been improperly construed by me, and means no more than protecting the rights of Americans to jobs on boats, I am for it. I agree 100 per cent with the statement of the Senator from Minnesota [Mr. SHIPSTEAD] yesterday; and I know from personal experience that out of the 7,000,000 unemployed there is not the slightest difficulty in obtaining men for every capacity on boats. I know from my own knowledge that college men from excellent institutions in this country are to-day riding the high seas as ordinary seamen at \$45 per month, less than is paid to good cooks, in an occupation that has been mentioned as such menial employment that it is impossible to secure them. But with that belief, with the idea of fairness and justice to all peoples and all races, which I think we should always have uppermost in our legislation, if I am correct in my interpretation of section 7 I can not vote for a provision which puts the strong arm of the United States all over the high seas of the world and tells a Chinaman that because he is a Chinaman this Government objects to his securing a job on the boats of a foreign nation.

That is the total extent of the criticism I personally have of this section, if I have correctly construed it. In the main objectives of the distinguished Senator from Utah, who has long been a leader in this fight, I thoroughly concur. I applaud him for the fight he has made; but, knowing his usually most liberal sentiments and his broad and tolerant viewpoint of the people from all the nations of the world, I am sure he has never intended and does not intend to bring about a situation which would place us in the attitude of putting the back of our hand against the employment of the humblest Chinese ever born upon boats flying the flag of a foreign country.

I will state to the Senator from West Virginia that that is my position; and in my judgment the statement he

made does not answer it. If I am wrong in my construction, or if an amendment is offered so as to meet that objection, I shall be delighted to vote for it; but personally I can not bring myself to the position where I will consent to vote for any provision in a law which makes it absolutely impossible for a member of the Chinese race to secure a job on a boat of another country in which we have not the slightest concern.

Mr. KING. Because of the questions propounded and the discussions by Senators in my time, and I have no objection, it is impossible for me to submit any connected statement or to complete any argument attempted. However, the course pursued enables Senators to ascertain the implications of the bill and to present their views upon its provisions. A word in answer to the Senator from Alabama [Mr. BLACK]. If a Chinese or Japanese or Frenchman, who is a *mala fide* seaman, takes service upon any ship for the purpose of evading our immigration laws, he is subject to deportation when he enters the ports of the United States.

Mr. BLACK. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. BLACK. If section 7 shall be amended so as clearly to express that purpose, then I will be in hearty accord with the Senator; but, in my judgment, at present it would serve to bar a member of the Chinese race, even if a *bona fide* seaman, from coming on any boat into any of our ports. I did not believe in the beginning that the Senator from Utah intended any such effect, but I do believe that section 7 as written would have that effect.

Mr. KING. I shall give that matter further attention.

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. SHIPSTEAD. The individuals to whom the Senator from Alabama has been referring can not come in now under existing law. They would be racially excluded. The Senator is talking about immigrants who are racially excluded, or immigrants who come into our country under the guise of being seamen. Under the circumstances the Senator supposes, if they did not come in under the flag of their own country, as I am informed, under the law as it now exists they could not land in this country.

Mr. BLACK. Mr. President, if that is true, then this bill would be wholly and completely unnecessary. But as to any Chinaman or the member of any other race who comes *mala fide*, not because he wants a job to earn his daily bread, but in order surreptitiously to come into this country and live, I am in hearty accord with the method which is here proposed to be followed. But I insist that a fair reading of this section leads one to the irresistible conclusion that we are asked to legislate so that a Chinaman, or the members of certain other races, will be prohibited by the strong arm of the American Government from getting jobs on a Swedish boat, or a Danish boat, on an English boat, or the boat of some other country with which we have no concern. I do not believe it is fair or just or honorable on our part to attempt to use indirectly this influence to prevent a Chinaman from getting a job wherever people want to hire him, so long as he is not evading the laws of our country.

With the idea of the Senator I am in accord, that if he is not a *bona fide* seaman, and comes here, either by connivance with the shipping company or otherwise, for the purpose of disguising himself as a seaman when he is not, he should be excluded. I do not believe the Senator is in favor of that. Knowing the views of the Senator, I do not believe he would favor going to the extent to which I believe this measure would take us. It would go to this extent, that if a Chinaman—and I mention a Chinaman because the Chinese are one of the excluded races—gets a job on a Danish boat, which he has a perfect right to do, which I would not want to prevent, and I feel sure the Senator from Minnesota would not, and that boat happens to have as its destination an American port, that our inspectors must go on that boat, seize that Chinaman, who has been rightfully employed on the Danish boat, take him off, and

send him back on some other boat to his native land. I claim that would be inhuman.

Mr. TYDINGS. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. TYDINGS. I would like to ask the Senator from Alabama a question. Suppose a Danish boat with a Chinaman on board left France and stopped at Jacksonville, Fla., but its ultimate destination was Caracas, for example. Would the law cover that situation, where the ship was here just in transit to some definite port?

Mr. BLACK. Mr. President, if the Senator from Utah will permit me, as I construe this section, it would absolutely prohibit any foreign boat from landing at any port in this country if it had a Chinaman on it, even if the seaman did not take his departure from the boat. Thereafter, if it did come into a port of this country, the inspectors would be compelled to go on to the boat and take the Chinaman off by force and send him back home on some other boat.

Mr. TYDINGS. Then, as I understand the Senator, the net effect of it would be that Chinamen would be excluded from all ships all over the world, because if a ship employing a Chinaman even incidentally on any tour touched an American port, there would be complications so great that the ship would not want to take the risk of having that Chinaman on board.

Mr. BLACK. They would be denied a clearance from this country, and the position I take is that we have gone certainly as far as any nation should with reference to the Chinese.

Mr. BORAH. Mr. President, to what language does the Senator from Alabama have reference?

Mr. BLACK. I have reference to the language of section 7. The Senator will note that the first part of the section is very clear, to the effect that "except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation or any person not racially excluded who is a *bona fide* seaman as a member of the vessel's crew."

Now note:

Exclusive, however, of any citizen, subject, or inhabitant of any colony, dependency, or mandate who is racially excluded from coming to the United States as an immigrant.

In other words, that simply means that no boat carrying the members of races which have been racially excluded from the United States as immigrants can land at any port of the United States.

Going on to the next paragraph, it is noted that any seaman brought in in violation of this provision—that is, one who is racially excluded—"shall be excluded from admission or temporary landing."

Look at the next:

And shall be deported, either to the place of shipment or to the country of his nativity, as a passenger, on a vessel other than that on which brought.

In other words, it does not even permit the boat which brought the Chinaman to take him back to the place from which they started, although he may have been a *bona fide* seaman.

My judgment is that it would not be fair or just legislation, and that this country should not attempt by legislation in the Congress of the United States, to prohibit a Chinaman from getting a job on a boat of a foreign country, unless he went on there with the corrupt intention of coming into this country contrary to our laws to become an immigrant.

With reference to any law which will prohibit such a thing from occurring I am in hearty accord, but I am very much opposed to this country taking this position, which I think might bar Chinese all over the world from obtaining jobs and work such as honest men ought to have whatever their nationality.

Mr. COPELAND. Mr. President, will the Senator from Utah yield to me?

Mr. KING. I yield.

Mr. COPELAND. The Senator from Utah is very generous in yielding. I want to call attention, in addition to what the Senator from Alabama has said, to the fact that section 2, on the first page, provides for machinery to be set up so that when a ship comes in, except a ship in distress—and I suppose even then—an examination shall be made to determine the nationality of the seamen.

Then, as the Senator has pointed out, section 7 makes it mandatory, if a person is found who is not eligible for admission to our country, that he shall be taken bodily and deported at the expense of the ship that brought him into the country.

Mr. KING. Mr. President, the Senator knows that under existing laws certain aliens are excluded from the United States.

Mr. COPELAND. If the Senator will permit me, I know that; but let us assume a ship in with an alien aboard who does not seek to land. He knows he is excluded. He is a bona fide seaman. He stays on the ship. But it is the duty of our inspectors to find out what sort of a person he is, and if he is not among the acceptable class he shall be deported. That is the language of the bill.

Mr. TYDINGS. Mr. President, will the Senator from Utah yield?

Mr. KING. I yield.

Mr. TYDINGS. I have been trying to understand the phraseology used in section 7, assuming that it were to pass as now written, and it strikes me that it is at least ambiguous, if not contradictory. Let me read it and see if the Senator from Utah does not agree in all seriousness that the section contradicts itself. Section 7 provides:

Sec. 7. No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien who if he were applying for admission to the United States as an immigrant would be subject to exclusion under subdivision (c) of section 13 of the immigration act of 1924.

That lets a Chinaman out of the picture, does it not?

Mr. KING. If I understand the Senator, the present law would not be modified.

Mr. TYDINGS. The measure goes on, after a comma—

Except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen—

That brings in the Chinaman, does it not?

Mr. KING. We do not desire to declare or enforce an embargo against any nation. In this age of trade and commerce it would be unwise and wrong to prohibit the vessels of other nations from entering our ports. We may, however, subject them to reasonable regulations and restrictions. Britain imposed many restrictions upon foreign ships visiting her shores and Australia prohibits certain aliens from leaving their ships when in her ports.

Mr. TYDINGS. Let me continue:

Except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation or any person not racially excluded.

He may be brought in under the first phrase and excluded under the last phrase of the three phrases, because it provides—

Except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen—

But in the next line it provides—
or any person not racially excluded.

It strikes me that in the first phrase, on line 3, an exception is made, and then the exception is contradicted in the same sentence on line 5.

Then it goes on further to contradict itself by saying, in line 6, "exclusive, however, of any citizen, subject, or inhabitant of any colony, dependency, or mandate who is racially excluded from coming to the United States as an immigrant."

I say to the Senator that as I read this, even if it projects the thought which the author of the bill has in mind, it strikes me as being so contradictory that a wrong interpretation would be placed upon it, because, first, it excludes,

then it makes an exception, then it lets the foreigner come in, and then finally says, "exclusive, however, of any citizen, subject, or inhabitant of any colony, dependency, or mandate who is racially excluded from coming to the United States as an immigrant."

If I may have the attention of those who are interested in this bill, let me read the whole section through, so that the whole thing can be followed, and see if it does not contradict itself in several places. Section 7 reads:

Sec. 7. No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien who if he were applying for admission to the United States as an immigrant would be subject to exclusion under subdivision (c) of section 13 of the immigration act of 1924, except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation or any person not racially excluded who is a bona fide seaman as a member of the vessel's crew, exclusive, however, of any citizen, subject, or inhabitant of any colony, dependency, or mandate who is racially excluded from coming to the United States as an immigrant. Any alien seaman brought into a port of the United States in violation of this provision shall be excluded from admission or temporary landing and shall be deported, either to the place of shipment or to the country of his nativity, as a passenger, on a vessel other than that on which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

The Senator lets him in, then he bars him, then he lets him in again, and then takes him out again. That is exactly what the bill provides, it seems to me. For example, if I may analyze it a moment further, the last four lines on page 3 and the first line on page 4 exclude any alien from coming into the United States who would be denied the right to become a citizen.

Mr. KING. As the law at present does. It does not change the law. It is merely confirmatory of existing law.

Mr. TYDINGS. No vessel can come in here with such a man upon it. Is that correct?

Mr. KING. Under the present law there are racial exclusions.

Mr. TYDINGS. Yes; and the bill as written prevents a vessel from coming here which has a Chinaman upon it as a member of the crew. That is what the first five lines of section 7 say if they say anything. Then the bill provides:

Except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation.

The Senator says he can not come in and then he inserts in the bill an exception and provides that a ship can bring in such excluded person. Then the bill goes on to provide:

Who is a bona fide seaman as a member of the vessel's crew.

Now we have him in. The bill has said that we could not bring him in under the immigration act even as a seaman. Then the Senator's bill says he can come in as a member of a vessel's crew.

Mr. KING. If he is a bona fide seaman.

Mr. TYDINGS. But the Senator says in line 6 of his bill, page 4:

Exclusive, however, of any citizen, subject, or inhabitant of any colony, dependency, or mandate who is racially excluded from coming to the United States as an immigrant.

I believe I see the object at which the Senator is driving, and my purpose in rising is merely to say that I do not believe the selection of words and phrases is clear and that it makes the section contradictory of each one of its separate provisions. It ought to be rewritten so that the judge or the customs official who interprets it will not find that each three lines contradict the three lines which have gone before.

Mr. KING. Mr. President, the Senator knows we are confronted with a rather delicate situation in dealing with immigration where the immigration laws exclude certain races. The bill recognizes existing law, but proposes to make some modification by providing that bona fide seamen upon vessels of a nation whose nationals are excluded may enter if they are bona fide seamen, and enjoy the same privileges as are granted to bona fide seamen of nations outside of the exclusion category.

As I understand the bill, it goes further and declares that dependencies of nations, where those dependencies contain races which are excluded, come within the provisions of the bill and their seamen may not be brought in even by the nation of which they are subjects. That is to say, to give a concrete illustration under the bill as I interpret it, a Chinese national may enter the United States if he is a bona fide seaman upon a Chinese ship; Japanese may enter the United States if bona fide seamen upon a Japanese vessel. A Chinese would be subject to the provisions of the bill for deportation if he should come to the United States on a vessel other than that which belongs to the nation of which he is a national.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. KING. I yield.

Mr. BORAH. Is it the Senator's interpretation of section 7 that if a Chinaman should come here upon a Danish ship and the ship should land, he could be taken off of that ship and be deported and would not be permitted to return to his ship and go with it?

Mr. KING. I think that is a correct interpretation of the bill.

Mr. BORAH. That would prevent a Chinaman from having a position upon any ship which might want to touch at a port of the United States.

Mr. KING. Persons racially excluded may not have the benefits of individuals who are not excluded under the operations of the bill. The bill does not extend to races now excluded the privileges extended to the nationals of other nations; but it does legalize the entrance of persons racially excluded if they are bona fide seamen and enter our ports under the flag of their own nation. To that extent this bill enlarges or expands the present immigration law and grants rights and privileges to racially excluded nationals who under the present law might not be permitted to enter.

Mr. TYDINGS. Mr. President—

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

Mr. KING. I yield.

Mr. TYDINGS. If the Senator will give his attention to the first five lines of section 7, he will see that they read—

No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien who if he were applying for admission to the United States as an immigrant would be subject to exclusion under subdivision (c) of section 13 of the immigration act of 1924.

Let us suppose a Chinaman comes to the port of Baltimore upon a Danish ship. The ship comes up the Chesapeake Bay to the immigration station. Before the ship can land at all it has to be inspected, of course, and go through the various steps preliminary to docking. It is found that a Chinaman is on that ship. What happens?

Mr. KING. Would he be admitted to the United States now?

Mr. TYDINGS. No; but the Senator says the vessel shall not bring in such a person. Would the Senator send the vessel out to sea?

Mr. KING. The penalty would be that the person referred to would be deported.

Mr. TYDINGS. But the bill says no vessel shall bring any such person here.

Mr. KING. In such a case the inspector would challenge the person and take him ashore as he would take any person seeking entrance as an immigrant who was ineligible to enter. If a person should be upon a ship without a proper visa, the inspector would cause him to be removed from the vessel to a detention camp, there to remain until deported. If a person racially excluded under the present law were to be found upon the same vessel, he would be subject to the same treatment and the vessel under the present law would be subject to a fine of \$1,000. Under this bill, instead of a penalty of \$1,000, the vessel is required to pay all costs incident to the detention of the person as well as the costs of deportation.

Mr. TYDINGS. The immigration officer says to the captain of the Danish steamer, "You have a Chinaman on board and we will have to take that Chinaman off the boat." The captain of the Danish steamer reads to the immigration officer the bill, which would then be the law, which goes on to say—

Except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation or any person not racially excluded who is a bona fide seaman as a member of the vessel's crew.

But before we get down to "any person not racially excluded," the Senator's bill provides, notwithstanding the Chinaman may not be brought in, that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation. The Danish ship is a ship of a sovereign nation and is a member of her merchant marine.

The point I am trying to make is that I am not taking issue with what the Senator is seeking to obtain, but it did occur to me that this section is so contradictory that without some one reading it in the light in which the Senator from Utah is reading it, an entirely different interpretation would be placed upon it than the intended interpretation.

Mr. KING. I do not think it is contradictory in the sense the Senator intends. It merely strengthens existing immigration laws and declares that notwithstanding certain races may not come to the United States, nevertheless in the interest of trade and commerce and in pursuance of that rule or spirit of comity existing among nations, the immigration law will be relaxed or modified in order that bona fide seamen may enter the United States even though they are racially excluded, provided they are serving upon vessels of their own nation. While there is an apparent contradiction, I submit that a proper reading and interpretation of the entire bill make reasonably certain the object to be attained.

Mr. TYDINGS. Mr. President, may I ask the Senator a further question?

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

Mr. KING. Certainly.

Mr. TYDINGS. Let us suppose the ship belongs to the Danish merchant marine, the Danish nation being a sovereign nation. It comes up the Chesapeake Bay with a Chinese seaman on it. Then the Danish ship has a perfect right to bring the Chinaman into the port of Baltimore as a seaman, because he is within the exception which provides:

Except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation or any person who is not racially excluded who is a bona fide seaman as a member of the vessel's crew.

Mr. KING. The Senator places the wrong interpretation upon it.

Mr. TYDINGS. The point I make, and I have made it all along, is that I see exactly what is in the Senator's mind, but I do not believe the bill clearly sets forth that idea. I may be dense about it myself.

Mr. KING. I think the Senator is in error.

Mr. BARKLEY. Mr. President—

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

Mr. KING. I yield.

Mr. BARKLEY. I have not looked up the present immigration law to determine whether anywhere there is a legal definition of a bona fide seaman. What is meant by that expression? How long does a man have to be a seaman before he becomes a bona fide seaman? Are there any regulations as to what shall constitute a bona fide seaman?

Mr. KING. I think the seamen's act attempts a definition of the words "bona fide seaman," but there is no difference of opinion among the courts as to seamen or those engaged in ocean commerce as to what they mean. A seaman is not necessarily one who handles spars and sails. An engineer is a seaman. A person who in good faith accepts employment upon a vessel to perform any work in connection with the operation of the ship is a bona fide seaman.

Mr. BARKLEY. Regardless of the length of time he has occupied that position?

Mr. KING. I believe that is true. A cabin boy on his first trip, if he is there in good faith and seeks employment and discharges his duty in good faith as a cabin boy, would be a bona fide seaman.

Mr. ASHURST. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Arizona?

Mr. KING. Certainly.

Mr. ASHURST. I wish the Senator would consider adding to the definition, which he has correctly given, this one phrase:

And intends to return to the port whence he departs.

Mr. KING. Yes; that is assumed. I thank the Senator. Of course, if a person enters upon the discharge of the duties of a seaman for the purpose of coming to our shores and then abandoning the ship, he is not a bona fide seaman.

Mr. BARKLEY. That involves the question of intent. After entering on the job he might change his mind and desire to stay in the country at the first port where he landed.

Mr. KING. The Senator knows that in the administration of our criminal statutes the question of intent is sometimes very difficult to determine.

Mr. BARKLEY. I suppose there would be no way to determine it.

Mr. KING. It would be difficult to determine in advance; we are not clairvoyants; and those who administer the law find difficulty in reaching just and fair conclusions when the ascertainment of one's intent is involved.

But it is a question for the inspectors to determine. They have to use their best judgment. They may make mistakes; they make many mistakes now in determining many questions calling for their decisions.

Mr. BARKLEY. I thank the Senator.

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

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Alabama?

Mr. KING. I yield.

Mr. BLACK. I myself am very clear as to what this amendment will do, and I may state that I do not agree with the Senator from Maryland [Mr. TYDINGS] that there is any doubt about it, because the word "exclusive" is a restriction on the preceding language. However, I understood the Senator from Utah to say that it was his judgment that this provision really expanded the rights of Chinamen. I am not familiar with shipping, but is it true that to-day vessels from foreign countries are not permitted to have Chinese remain upon them in our ports?

Mr. KING. They are not permitted to land them, and they are held there, as I might say, as prisoners. Guards are put over them, as was stated by a Senator on the other side of the Chamber, and they are detained on board the ship. It is the view of many, notwithstanding the exclusion act, that writs of habeas corpus would, upon application, be granted which would release excluded seamen who are held against their will by those in control of vessels. I am inclined to think that a writ of habeas corpus would release them and enable them to land. However, if they secured their freedom, they would be subject to arrest by the Government and to be detained until deported. I might add that the testimony before the committee indicated that large sums were derived annually from fines imposed upon vessels for bringing Chinese and other nationals to the United States in violation of the immigration laws.

Mr. BLACK. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield further to the Senator from Alabama?

Mr. KING. Yes.

Mr. BLACK. May I ask the Senator if there is any doubt at all but that if this law shall be passed, it will be an effectual bar, in so far as the Chinese and Japanese are concerned to their securing jobs on any ships in the world which intend to land at ports in the United States?

Mr. KING. There is nothing to prevent their employment, but if they come to the United States they will be subject to deportation, as I interpret this bill.

Mr. BLACK. Then, as a matter of fact, the practical effect of this bill is that, in so far as the racially excluded nationals are concerned, it will be an effective barrier against their obtaining jobs on any vessel in the world that intends to land at a port of the United States. That would be a fair interpretation of it, would it not?

Mr. KING. This bill seeks to prevent the illegal entrance into the United States of persons claiming to be seamen when they are not, whether they be Chinese, Japanese, English, or nationals of any other country. It does not supersede the existing exclusion laws, although it may be deemed a modification in so far as it permits bona fide seamen belonging to races that are excluded to come to our shores as bona fide seamen on ships flying the flag of the nations of which they are citizens. It also requires departing vessels to take away as many seamen as they brought to our shores. For years vessels have entered our ports with full crews, and often with an excess number of persons in their crews, and have departed leaving behind many who entered and with no substitutes to take their places.

Mr. BLACK. I may say to the Senator I can see no possible benefit to these people who are now permitted to come into our ports so long as they do not enter our territory, but since there are two purposes in view, and many of us are thoroughly in sympathy with one purpose but feel that the other purpose is too harsh, is there not some way of dividing section 7?

In so far as the amendment proposing to strike out section 7 altogether is concerned, I am not favorable to it, because I desire to vote with the Senator on the question of preventing the mal-use, if I may use that term, of a job as a seaman, unlawfully to gain admission into this country; but personally I can not bring myself to the point of believing that it is right to put up a barrier against a Chinaman or a Japanese getting a job on any boat in the world and leave it open to a Frenchman or an Englishman or to the nationals of other foreign countries.

Mr. KING. May I say to the Senator that in some countries alien seamen have difficulty in going ashore, because of imposed restrictions. In Australia persons of certain races are not permitted to land. There are restrictions against orientals. Italy has restrictions applied to alien seamen.

Mr. HATFIELD. Mr. President—

Mr. KING. Just a moment. According to a letter which I have just received from an American seaman, in Italy some nationals, including Americans, are not allowed to go ashore. It is a sovereign right of nations to determine who may enter their borders.

Mr. BLACK. I agree with the Senator that it is a matter for each nation to decide in accordance with the established principles of comity existing between them and in consonance with humanitarian principles.

In so far as the racial exclusion law is concerned, I do not consider that that enters into this discussion, because I am not favorable to any movement which will permit a breaking down of our present immigration laws. I have not had a letter either for or against this bill, so far as I know, nor has anyone said anything about any particular section of it to me. My conception of it has come wholly from a study of it here; and, in the respect I have indicated, it runs contrary to the conception I have of fairness and justice to people all over the world, for I can not see, after we exclude a Chinaman from admission into our country, that it is correct for us to pass a law which reaches out the strong arm of the Federal Government and says, "You can not get a job on any boat in the world." I do not believe it is right for us to use our vast power by reason of our superior place in commerce and trade to tell a member of the Chinese race that he shall not get a job on a Danish boat or a Swedish boat. It seems to me to be contrary to the first principles of humanity.

Mr. KING. We do not say that he can not get a job there. The master of a vessel knows, however, that certain races are excluded under the immigration policies of the United States. He knows that if he brings such excluded person into the United States, the latter, under the decisions of courts, may prevail in habeas proceedings, brought to liberate him from enforced control over his person by the master of the vessel upon which he came to the United States. It may be true that after securing his release, he will be taken into custody by an immigration official and deported. The measure before us has the support of organized labor and the seaman's union of the United States. This is their bill, and they have given it serious consideration. In weighing the problems and factors involved in the provisions of this bill, those proposing it believed that under the thirteenth amendment, which forbids involuntary servitude, persons severally excluded from the United States can not legally be held on board any vessel entering our ports.

The master of a vessel under the New Zealand flag or the English flag who ships a person racially excluded from the United States knows, if he brings him here, that the latter may not enter the United States; he knows that that man may not be held on board against his will and that habeas corpus proceedings may be instituted for his liberation. He knows that his vessel may be penalized and compelled to pay a considerable sum to meet the costs of detention and deportation.

What shall we do? We modify the existing law and say to the Japanese and the Chinese and to those who are racially excluded, "You may come, because we do not want to create embargoes against any country, but you must come on a ship of your own nation; you must come under the flag of the country to which you owe allegiance. We will modify existing laws so that if you are a bona fide seaman you may enter the United States and remain 60 days, enjoying the same privileges accorded to bona fide seamen of other nations, but you must then depart; but if you are a mala fide seaman, then you may not come to our shores."

Mr. WALSH of Montana. Mr. President—

Mr. BLACK. Mr. President, if the Senator from Montana will allow me to proceed a moment further, I will say to the Senator from Utah that, in so far as involuntary servitude is concerned, so far as I know, there has been no complaint, there have been no habeas corpus proceedings; but if we are going to use the great power of the United States to keep people from getting jobs, why should we "jump on" the Chinese, a weak race, that is now having its territory threatened with invasion?

Mr. KING. The Senator has no greater concern for the Chinese than have I. I regret the troubles and sorrows to which they have been subjected. I should like to aid and help them in all proper ways, as I should like to extend help to all afflicted peoples. As I have said, the question before us can not be dissociated from prior legislation. That legislation sought to exclude certain races. This bill recognizes the condition thus created and only seeks to make effective the general purpose of such legislation.

Mr. BLACK. I think that is an entirely different question. That is a question with reference to the blending of races. We took the position in this country that it was not for the good of our people, and was contrary to our public policy, to permit people to come in and bring about a blending of races in a way which might be injurious to both. But here no such question is involved. I will join the Senator 100 per cent in any effort to prevent them coming into this country contrary to our laws. I have not the slightest sympathy with the shipowners, subsidized with millions of dollars, who make complaint that it will cost them more to hire American laborers than it will Chinese laborers. I think that suggestion should be discarded; I do not even like to hear it raised in this body; I do not even like to hear the plea made here that the shipowners of this country, who are drawing millions of dollars from the Federal Treasury, are afraid they will have to raise salaries.

But we are considering the proposition of enacting a law which will permit Frenchmen to come here, to have jobs on any vessel in the world which will accord like permission to Englishmen and to Swedes.

The sum total of the effect of this proposed law is that we place another barrier against a race which has been struggling over a period of hundreds of years, living in surroundings because of which, perhaps, they are delighted to get jobs as seamen, even if they are held here in subjection for 30 days or 60 days and not permitted to leave the vessel, in order that they may earn a livelihood as seamen. I hope that the Senator will find some way to divide the proposition so that those of us who favor prohibiting their coming here when they are not bona fide seamen can vote for that part of the section but not vote to bar a Chinaman from getting a job on any boat in the world.

Mr. WALSH of Montana. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. KING. I yield.

Mr. WALSH of Montana. If the Senator from Utah will permit me, it occurred to me that he had not addressed himself particularly to the point raised by the Senator from Maryland [Mr. TYDINGS], who, as I understood, did not, as does the Senator from Alabama [Mr. BLACK], question the wisdom of the policy expressed in section 7, but questioned the language employed in order to carry out that policy.

I am inclined myself to think that the language ought to be modified. It reads:

No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien who, if he were applying for admission to the United States as an immigrant, would be subject to exclusion under subdivision (c) of section 13 of the immigration act of 1924.

I am of the view that that is all that need be said, and that the subsequent language embarrasses the operation of the act to carry out that policy. That would exclude the Chinaman or the Japanese under the provisions of subdivision (c) of section 13, because they would not be subject to admission under that section, which reads:

No alien ineligible to citizenship shall be admitted to the United States unless such alien—

And then it gives the excepted clause. So that under this no vessel can bring into a port of the United States one who is ineligible to admission under this provision.

The bill goes on in the next sentence:

Any alien seaman brought into a port of the United States in violation—

Bear in mind that the first part of the section, so far as I have read, down to the figures "1924" on line 2, operates to exclude those racially barred, and to exclude no one else. The bill continues:

Except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation or any person not racially excluded—

That is just exactly the case. These are racially excluded by the provisions of subdivision (c) of section 13.

There is a great deal of confusion there as to whether the words "not racially excluded" modify both "citizen or subject" or whether they modify only the word "person." Then, that having been done, from that are excluded those who are racially excluded from coming into the United States, which is nothing more nor less than a repetition of the first part of the section. So that the prosecutor who is going to prosecute the proceedings, instead of simply contenting himself by making a charge that the person was excluded under this provision, would be obliged also to demonstrate that the ship was a merchant ship of some foreign nation and that the person was not racially excluded. In other words, we throw an added burden upon the prosecutor without attaining any end at all by any of the language after "1924," on line 2. In other words, what I mean is that the language after "1924," in line 2, down to and including the word "immigrant," on line 9, is utterly superfluous.

Mr. LA FOLLETTE. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. KING. I yield.

Mr. LA FOLLETTE. I am very much interested in the interpretation of the language by the Senator from Montana. It was my understanding, however, that that language permitted a vessel flying the flag of a nation racially excluded, to land in ports of the United States; and if that were stricken out, it would debar, for instance, a Japanese vessel, flying the Japanese flag, from landing in the ports of the United States.

Mr. WALSH of Montana. No; not at all. Section 7 reads:

No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien—

So, if the vessel has on board any alien not eligible to admission under the immigration act, that vessel can not bring in that seaman.

Mr. LA FOLLETTE and Mr. BARKLEY addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Utah yield?

Mr. KING. I yield first to the Senator from Wisconsin.

Mr. LA FOLLETTE. That is true. The exception is that—

Any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation or any person not racially excluded who is a bona fide seaman as a member of the vessel's crew.

Mr. WALSH of Montana. Yes.

Mr. LA FOLLETTE. And under this provision, as I read it, vessels flying the Japanese flag could land in the United States, although their nationals or their crews are not permitted to come in as immigrants.

Mr. WALSH of Montana. Exactly. A Japanese ship has a crew composed of people not absolutely excluded on racial grounds from admission to the United States.

Mr. LA FOLLETTE. I am supposing that the vessel has a crew of citizens of Japan, who are racially excluded.

Mr. WALSH of Montana. Exactly.

Mr. LA FOLLETTE. This exception would permit that vessel to land in a port of the United States.

Mr. WALSH of Montana. But how, when it says?—

Except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation or any person not racially excluded?

We assume, if the crew are Japanese, that they are all racially excluded; so that everybody aboard that ship with a Japanese crew is racially excluded and those can not be brought in. In other words, we simply repeat, in that language, the language which we have in the first part of the section.

Mr. BARKLEY. Mr. President—

Mr. KING. I yield to the Senator from Kentucky.

Mr. BARKLEY. Does not the second clause refer to those who may be excluded for other reasons than racial reasons?

Mr. WALSH of Montana. No; it does not, because it provides—

May * * * bring * * * any citizen or subject—

Which might include those that are excluded upon quota grounds; but that is qualified by the language "not racially excluded"?

Any excluded citizen or subject of such nation or any person not racially excluded.

Mr. BARKLEY. It eliminates those not racially excluded. The ship may bring in those not racially excluded, but at the same time who might be excluded for some other reason.

Mr. WALSH of Montana. Yes; but they are not shut out by the first part of the section.

Mr. BARKLEY. But if the Senator's suggestion is followed and only the first part of that section remains, it seems to me it would be impossible for any ship flying the Japanese flag to land. It could not come into port unless it had a crew that was alien to Japan.

Mr. WALSH of Montana. So it would, if this provision were left in the bill.

Mr. BARKLEY. I think the whole section is so involved that it meets itself coming back.

Mr. WALSH of Montana. The same situation would exist if we left in the language "except," and so forth.

A Japanese ship comes in with a Japanese crew. Why are they not all excluded? They are excluded, obviously, under the first provision of the section; and then the bill says:

Except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation or any person not racially excluded—

Her entire crew are racially excluded.

Mr. BARKLEY. If a Japanese ship comes into one of our ports, why is there any objection to allowing it to come in, assuming that it has a crew of its own nationals?

Mr. WALSH of Montana. I am not arguing the policy of this thing at all.

Mr. BARKLEY. I understand.

Mr. WALSH of Montana. I am just devoting myself to the language.

Mr. BARKLEY. It is not very clear what the policy of this section is. I am frank to say it is very confusing to me. I do not know what it means; but if the Senator's suggestion is followed, and all of it is stricken out except the first clause, that would make it impossible for a Japanese ship to come into port unless it had a crew made up of aliens to its own country.

Mr. WALSH of Montana. Quite right; and if it stands as it is—

Mr. BARKLEY. The Senator does not want that to happen, does he?

Mr. WALSH of Montana. I should not think so, but that is the effect of it if the language is left. The point I am making is that the thing is not changed at all by any language after "1924," in line 2. It is left exactly the same as it would be if that language were not there at all.

Mr. KING. I am not convinced that the Senator's interpretation of this section is correct, but I ask the Senator if he has any suggestion to make with reference to it?

Mr. WALSH of Montana. I should want first to know what the policy is. Who is it that it is desired to admit? That is to say, what persons are we willing should come in? Apparently we are willing that a Japanese crew should come in on a Japanese ship, or that a Chinese crew should come in on a Chinese ship.

Mr. KING. Yes; if the seamen are bona fide seamen.

Mr. WALSH of Montana. It would not be at all difficult to express that; but this language does not do it.

Mr. KING. Mr. President, I am not quite able to follow the Senator from Montana. I think the language of section 7 means this, stating it in a paraphrased form:

That the nationals of any country except those who are racially excluded may enter our ports if they are bona fide seamen, not mala fide seamen; that nationals racially excluded under present immigration laws may enter our ports if they are bona fide seamen and are members of crews of vessels of the nation to which they owe allegiance.

Mr. WALSH of Montana. If that is the purpose, it can be expressed very easily.

Mr. KING. Let me amplify that, if the Senator will pardon me. It also means that the nationals of any country, if they are living in colonies or dominions, and those colonies or dominions do not have a flag or a merchant marine of their own, are subject to the same exclusion as are the nationals of the excluded races.

Mr. WALSH of Montana. I would suggest that the Senator just put it in this way:

Except that any ship of the merchant marine of any sovereign nation may freely bring as a member of the vessel's crew any excluded citizen or subject of such nation who is a bona fide seaman thereof.

That is all that is needed.

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

Mr. KING. I yield.

Mr. ROBINSON of Arkansas. I agree with the suggestion of the Senator from Montana that the language as em-

braced in the bill, in section 7, does not permit the bringing in of any seaman, however bona fide he may be, who is racially excluded, because the language is:

Any person not racially excluded who is a bona fide seaman.

If he is racially excluded and is a bona fide seaman, he still can not come in.

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

Mr. KING. I yield.

Mr. LONG. Then, according to that, a Japanese ship can not come in, and a Chinese ship can not come in. That just closes the ports of the United States to the Far East. Why does it not?

In other words, suppose, as the Senator from Montana says, we take section 7 and after the figures "1924" put a period and stop. It reads in this way:

No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien who if he were applying for admission to the United States as an immigrant would be subject to exclusion under subdivision (c) of section 13 of the immigration act of 1924.

That means that no vessel can bring in a Chinese or a Japanese—no vessel. Now, as the Senator from Montana suggests, an amendment can be drawn which will permit a Japanese ship to bring in Japanese and permit a Chinese ship to bring in Chinese; but—

Mr. KING. May I say to the Senator that we do not need that? That is already in section 7. It is clear that Japanese upon a Japanese vessel or Chinese upon a Chinese vessel may enter the United States if they are bona fide seamen.

Mr. LONG. Will the Senator yield further?

Mr. ROBINSON of Arkansas. May I ask the Senator a question? I am seeking information.

Mr. KING. Yes.

Mr. ROBINSON of Arkansas. Where is the language which assures that conclusion?

Mr. KING (reading):

Except that any ship of the merchant marine of any sovereign nation—

Mr. HATFIELD. Where is the Senator reading from?

Mr. KING. The top of page 4.

Except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen—

Japan would be a sovereign nation. China would be a sovereign nation. Returning to the bill:

Except that any ship of the merchant marine of any sovereign nation may freely bring any excluded citizen or subject of such nation or any person not racially excluded—

There may be some ambiguity if the entire section is not considered.

Mr. ROBINSON of Arkansas. That is where I think the difficulty arises in connection with the Senator's interpretation.

Mr. KING. It reads:

Who is a bona fide seaman as a member of the vessel's crew, exclusive, however, of any citizen, subject, or inhabitant of any colony, dependency, or mandate who is racially excluded from coming to the United States as an immigrant.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. KING. I yield.

Mr. LONG. I heard the remarks of the Senator from Montana, and also those of the Senator from Maryland, to the effect that this language is so involved that the concluding clause is not clear enough to permit the admission of anyone. Anyone would be excluded unless there is a clear enough clause to admit him.

Mr. KING. Undoubtedly.

Mr. LONG. It makes no difference if he is excluded, you have given a privilege to a Chinese ship and to a Japanese ship to admit him, which you deny to the American ship. It makes no difference; it is as objectionable one way as the other.

I take it the Senator means that he would not undertake to say that Japanese should not come in here as sailors, and he would not undertake to say that Chinese should not come in here as sailors. I take it that is the Senator's position.

Mr. KING. Mr. President, I have stated repeatedly that the purpose of the bill, as it is interpreted by those who drafted it, is to exclude from coming into the United States those who are racially excluded under the law from entering the United States, except that if they are upon a ship of their own nation, and are bona fide seamen, they may come and enjoy the privileges of bona fide seamen, but that notwithstanding they may come upon a vessel of their own nationality, they may not come on the vessel of some other nation.

Mr. LONG. Mr. President, will the Senator yield to one more question?

Mr. KING. Yes.

Mr. LONG. Therefore the Senator gets back to the same proposition, that an American ship with a thousand sailors and one Chinese cook can not bring in what the Chinese ship with a thousand Chinese sailors can bring in?

Mr. KING. The Senator made the same statement yesterday, and I stated then, and repeat now, that under the exclusion laws, whether they were wisely enacted or otherwise I am not considering now, a Chinese may not come to our shores now upon an American ship or upon a Chinese ship. He is excluded. We are not willing to go so far as to say to China, or to Japan, or to any other nation whose nationals are excluded under the immigration laws from coming into the United States, "We will have no commerce with you; we are not willing to go so far as to say that you may not come into our ports under your own flag, with your own nationals, but you may not have your nationals come into our ports under the flag of some other country."

The Senator obviously, if I understand the deductions to be drawn from his question, means that it is unfair for us to deny the right of Chinese to come into our ports on American ships, even though we permit them to enter our ports on Chinese ships when they are bona fide seamen. I am unwilling to say that the vessels of Japan or China shall not come into our ports, or that the ships of those nations shall not come into our ports, if their crews are bona fide.

Mr. BLAINE. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. BLAINE. At first glance the language of the section appears somewhat confusing, and if that confusion is permitted to remain in one's mind very long, it would appear that it was contradictory. But I think it is perfectly clear.

I want the Senator's opinion of what I conceive to be the purpose of the section, and I will try to state it very briefly. The purpose of section 7 is to exclude all sailors who are racially excluded or mentioned in subdivision (c) of section 13 of the immigration act of 1924, except that they may come in on a vessel of the merchant marine of the sovereignty of which they are citizens.

Mr. KING. Exactly.

Mr. BLAINE. There seems to be no confusion about the matter if that is clearly kept in mind. If Great Britain, for instance, has upon one of her ships of the merchant marine a crew made up of subjects of the British Empire, in that case none of that crew may be a citizen or subject, for instance, of India.

Mr. KING. That is right.

Mr. BLAINE. The East Indian being excluded under the immigration act, the British vessel could not bring in a subject of India, because India is under mandate, or a colony, or a dependency of Great Britain.

Mr. KING. Exactly.

Mr. BLAINE. As the junior Senator from Pennsylvania [MR. DAVIS] suggests to me, the same applies to the Dutch ships. The whole purpose of the measure is to prevent the coming to America of those persons who are racially excluded, and we recognize the right of nations whose nationals are excluded to engage in commerce with America, and thus we permit them to use a full crew of their own nationality in perfect freedom.

Mr. KING. Mr. President, that is the interpretation I place upon the section. I ask the Senator whether he followed the suggestions made by the Senator from Montana and agrees with the views which that Senator expressed?

Mr. BLAINE. I came into the Chamber just as the Senator from Montana was concluding, I am sorry to say.

Mr. KING. Mr. President, if there are no other questions to be propounded I shall proceed and attempt to discuss the various sections of the bill and answer some of the objections urged against it. I have been so interrupted that it has been impossible to speak with any continuity.

First, let me address myself very briefly to one or two suggestions which have been made by the Senator from Connecticut [Mr. BINGHAM]. He seems to be solicitous for American shipping. When he was speaking I called his attention to the fact that within a few weeks many American vessels will be required to carry in their crews at least two-thirds who are Americans.

On the Pacific coast we are employing, I am advised, a number of racially excluded persons upon our ships. If this bill shall not be passed, many American ships, indeed most of those engaged in foreign trade, will be at a disadvantage when the law referred to becomes operative. When they are compelled to employ American citizens to the number of two-thirds of their crews, and other nations are permitted to employ all orientals they desire to employ—and the contention was that the employment of orientals gave an advantage to the ships carrying orientals—then it would seem, according to the Senator's own argument, that he was seeking the disadvantage of American ships.

Mr. WHITE rose.

Mr. KING. Does the Senator from Maine wish to ask a question?

Mr. WHITE. Mr. President, if the Senator will permit, the fact of the matter is that the law requiring a two-thirds percentage of American crews applies only to those ships which receive benefits under the merchant marine act of 1928, and out of some 25,000 ships documented in the United States only 266 ships, or about that number, are receiving such benefits.

Mr. KING. Mr. President, I identified the matter about which I was talking with the vessels the Senator refers to. I did not mean to make the statement so broad as to comprehend all American ships; but upon the Pacific coast, as the Senator knows, a considerable number of Chinese are being employed, and the principal cargo and passenger ships are those receiving subsidies from the United States.

Mr. WHITE. Upon the Pacific coast, if the Senator will permit me, we have documented approximately 6,500 American vessels. Almost 3,000 of those are registered for the foreign trade, and of that 3,000, only 81 are drawing aid from the Government. Only 81 ships going to the East, or down the west coast of South America out of 3,000 are drawing any governmental aid whatsoever.

Mr. KING. I submit that most of the vessels referred to by the Senator are engaged in coastwise trade or in voyages from coast to coast. My understanding is that most of our ocean trade—cargo and passenger—at the present time is carried by vessels that receive governmental aid. That is particularly true, as I am advised, of the American ships engaged in Pacific Ocean trade.

Mr. DAVIS. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. DAVIS. How many of those 3,000 are flying the American flag?

Mr. WHITE. Those are all American ships, registered for the foreign trade. There are approximately 3,000; I do not know the exact number.

Mr. KING. Mr. President, the Senator from Maine must know that this international shipping organization is composed very largely of foreign ships, and that they have so far impregnated—if I may use that expression—our merchant marine as to almost dominate it. It fixes rates, calls conferences, and determines shipping policies. The representative of the international shipping interests has appeared in most if not all of the hearings and has objected to this legislation. One of their attorneys, who has appeared heretofore, came before the committee a few days ago and opposed this bill and stated that the international shipping organization was opposed to it.

To return to the point I was making, the American ships which are receiving a subsidy from the United States will, within a very short time—as I recall, in May—be required, in filling their crews, to employ American citizens to the extent of two-thirds.

On the Pacific coast, as was stated by the Senator from Connecticut [Mr. BINGHAM], if I understood him correctly, ships which are not under the American flag employ very largely Chinese and Japanese crews, and he contended that that gave them an advantage. Obviously, if that be true, then, if we are denied the opportunity to employ orientals upon American ships, and other nations are permitted to employ orientals upon their ships, the disadvantage to American shipping becomes accentuated, according to the argument made by the Senator from Connecticut.

If the bill passes, vessels which employ orientals may not bring them into our ports except they are under the flag of their own nation. There is evidence that the wages paid by the Japanese are not very much less than the wages paid to American seamen. They are greater than the wages paid to Chinese seamen and seamen of some European and South American countries. Moreover, the evidence is, as I obtain it from seamen, that upon Japanese ships there are employed nearly double the number of seamen that are employed upon American ships. I make no invidious comparisons. I do not wish any criticism to be drawn from the observation I am making, but it is a fact that one American seaman does do as much as two Japanese or two Chinese seamen.

The Japanese, accepting the policy of Americans in raising wages, have increased wages upon their vessels and are constantly increasing them. There have been two increases in Japanese wages during the past two or three years. Japanese sailors, learning of the high wages paid in the Pacific to American seamen, have demanded increases and are receiving increases, so that the expenses resulting from those higher wages are constantly being augmented.

May I say that we have not suffered very much in the matter of violation of the immigration laws from mala fide Japanese seamen coming to the United States. The Japanese seem to be attached to their ships, and very few, as I am told, Japanese seamen have deserted in our ports. There have been large numbers of Chinese who have deserted, who have come surreptitiously to our shores as mala fide seamen or have been smuggled in.

Returning now to the Chinese. Contrary to the statement made by the Senator from Connecticut [Mr. BINGHAM], if I understood him correctly, there are but few Chinese ships which are carrying trade and commerce throughout the world. My friend referred to the fact that the Chinese 4,000 years ago knew of the compass. When American ships appeared in Chinese ports upon American naval craft in the 1850's, there were few, if any, Chinese ships. They had a few junks and small boats of limited tonnage that performed but little service. China is not a maritime nation, and we need have no apprehension as to competition from her in Pacific Ocean transportation.

So that the contention of the Senator from Connecticut that we were going to build up the Chinese marine and commerce and that China will drive our ships from the ocean, it seems to me, has no foundation in fact. As a matter of fact the expense of operating American ships with the seamen we have employed, taking it by and large, is but little, if any, greater than that resulting from the operation of ships under other flags.

The junior Senator from Maine [Mr. WHITE] expressed great solicitude for American boys and spoke about the tropical climes to which our ships go, and in the interest of humanity he protested against American boys working upon ships that visit tropical climes. As stated by the Senator from Minnesota [Mr. SHIPSTEAD] a few days ago, we have millions of boys, men, and women in the United States who would be glad to find occupation anywhere.

The statement was made by one of the Senators on this side of the Chamber a few moments ago that he knew of graduates of universities accepting positions upon ships with a compensation for their labor of \$45 a month.

We know that most of the modern ships are comfortable and commodious; they are not like the ships of 50 or 100 years ago. There are comforts and advantages, even for the humblest workman, upon them which many people upon land would be very glad to enjoy. The appeal for the American boy made by the junior Senator from Maine, it seems to me, loses its force in the light of the facts and the economic situation to-day.

Mr. President, the purpose of the bill is manifest and the necessity for it seems obvious. Let me read a statement made by a representative of the Department of Labor who appeared a year or two ago before our committee. He and others testified to the fact that large numbers of seamen deserted, mingled with the population, and remained here, putting the Government of the United States to an expense of millions of dollars to ferret them out and deport them. He stated that upon some of the vessels coming from oriental ports into United States ports there were as many as 50 or 60 or 70 Chinese who became deserters and mingled with the population and, as I indicated, subjected our country to heavy burdens in order to effect their deportation.

When we realize that 500,000 or 600,000 have illegally entered the United States within the past 10 years, most of them under the guise of seamen when they were not, it is obvious that there are leaks in our immigration system which should be repaired.

I invited attention yesterday to a statement made by Secretary Doak that quite recently 100,000 mala fide seamen had come into the United States, that the department was seeking to effect their deportation, and that some of them who had been here more than three years insisted that the running of the statute of limitations prevented their deportation. Fortunately the court construed the law differently from the construction placed upon it by those aliens who had illegally and fraudulently come into the United States, and many are being deported.

How are we going to prevent these constant evasions? The evasions come through men shipping as seamen when they are not. Hundreds and thousands of them are coming into the United States. One can not read the testimony that was given in the hearings a few days ago, as well as testimony given in four or five other hearings, without reaching the conclusion that there must be some supplemental legislation to close the doors against these mala fide seamen who enter the United States.

But to return to the statement I was about to read. One of the most efficient employees of our country was Mr. Hurley, who had been in the Immigration Service for many years. He testified as follows, referring to a particular vessel:

The owners of the vessel were fined \$9,000 for violations of the immigration laws. The agents at Marseille, upon learning of the fate of the master of the steamship *P. L. M. No. 21*, ordered a search of another vessel which was leaving for the United States, and eight contraband aliens were discovered on board. The master of the latter-mentioned vessel lost his position.

May I divert for a moment to say that I have here a statement and report of a number of cases which were tried in Germany in matters brought to the attention of the courts there, where it was alleged that conspiracies existed for the purpose of shipping as seamen persons who had been denied visas and were not eligible to come into the United States. A number of them were convicted in foreign countries for their conspiracies to violate our laws, and apparently the cases involved infractions of domestic laws as well.

In some of those cases, in Germany and Poland, reference was made to the fact that there was a system of smuggling aliens into the United States who were ineligible to entrance for citizenship and who were not admissible to our shores, but who came here as seamen for the purpose, of course, of evading our laws and finding homes in the United States.

Proceeding with the statement which I started to read:

The steamship *P. L. M. No. 21* belongs to the Paris-Lyons-Mediterranean Railway Steamship Co., and I might add, in addition, Mr. Chairman, I read in a report that reached my desk that the chief officer who was in command of the above-named vessel on the return voyage, as Mr. Furuseth has stated, lost his position.

Of course the owners of the boat were fined and the evidence disclosed that the master of the vessel was cognizant of the fact that he was carrying persons who were inadmissible to our shores.

I would like to say this: That in so far as desertions are concerned, there is considerable truth in the statements made at this hearing that a number of the deserters do reship foreign. Nevertheless a large number, as Senator REED knows, remain in this country in violation of the immigration laws.

Last June I proceeded to the Delaware & Lackawanna Steel Works, located at Tonawanda, N. Y., and investigated a complaint lodged with the department and bureau by American citizens residing in that city, who stated that there were a large number of what they called "ship jumpers" employed in the plant. The man who had charge of the employment service in the plant informed me that there were 400 East Indians, Malays, Arabs, and Africans employed in the plant at that particular time. On the first day, with the assistance of two officers detailed from the Buffalo office, we obtained the sworn statements of 10 aliens who admitted that they had deserted from vessels and had entered the country in violation of the immigration laws.

I made arrangements to return to the plant the following morning.

Remember, there were 400 aliens in that plant.

When I arrived at the plant the man in charge of the employment service informed me that not one of the class of men above mentioned had shown up that morning for work.

When they learned the immigration officials were on their trail they scattered like chaff and sought hiding places and working places in other portions of the United States.

I then proceeded to Niagara Falls and made investigation of a complaint against the Carborundum Co., and with the assistance of an officer detailed from the Niagara Falls immigration office I obtained the sworn statements of approximately 40 aliens who admitted that they had entered the country in violation of law, some having entered the country surreptitiously over the Canadian boundary and several as deserting seamen.

I returned to Buffalo and telephoned to the employment agent of the Delaware & Lackawanna plant, who informed me that none of these Malays, etc.—

The ones that he had referred to—the 400—

had returned to work. In order to satisfy myself of the truth of this statement, I boarded an electric car and proceeded to the plant and notified the superintendent of the employment service that I desired to check up on the men employed in the boiler room. After completing this work I obtained sworn statements from about 20 more aliens.

This was in another plant.

These aliens were natives of Malay, Africa, East India, or Arabia, and admitted that they had entered the United States in violation of the immigration laws.

These aliens, Mr. Chairman—and this is an absolute fact—when they found out that I was conducting an investigation at this particular plant with a view to ascertaining their right to be and remain in the United States, absconded and proceeded to Perth Amboy, N. J. One of our inspectors attached to the Ellis Island force arrested 29 aliens of the class referred to, who were employed in one of the large industrial plants in Perth Amboy, N. J. The arresting officer informed me that the chief of police of Perth Amboy stated that there are at least 2,000 Malays, East Indians, Arabs, and Africans working in the industrial plants at Perth Amboy and adjacent cities and towns, and that he desired the immigration authorities to deport them, on the ground that they were in the country illegally and that they are engaged in bootlegging, committing all sorts of crimes, and are causing the police considerable trouble.

A few years ago I made an investigation in the anthracite-coal region of Pennsylvania. In one particular plant—the Lehigh-Wilkes-Barre Coal Co., which operates 14 collieries—I arrested 125 to 150 aliens, all of whom admitted that they were deserting seamen.

One hundred and twenty five to one hundred and fifty.

Furthermore, I conducted investigations in various railroad yards, and I arrested approximately 250 aliens who had entered from vessels without inspection, who were employed as strike breakers, taking the place of union shopmen who were then on strike.

Senator HARRIS. When was that? Last year?

MR. HURLEY. A year ago last fall, I believe.

Now, gentlemen of the committee, this question of dealing effectively with the cases of deserting alien seamen is a big problem. It is a well-known fact that any of our officers can proceed to any of the large industrial plants in this country—and especially in the eastern part—and if he conducts a careful investigation can discover a large number of aliens who have entered illegally, many of whom will be found to have come to this country as seamen. I recently conducted an investigation of the alleged unlawful presence in Chicago, Ill., of a number of alien gunmen, and among

the 30 aliens who were taken into custody under warrants of arrest several of them admitted under oath that they came to this country as seamen and entered without inspection, remaining here illegally.

He then asked to insert in the record as a part of his testimony an article from the Chicago Daily Tribune entitled "Getting Rid of Murderers." I read now from that article:

Every respectable citizen of Chicago breathes easier and sends a vote of thanks to President Coolidge, Secretary of Labor Davis, the immigration authorities, and the city's own detective bureau. Twenty-one Sicilians, gathered up in the tough dives of the bootleg gangland, face deportation. One hundred others were taken into custody and were passed through the sifting process.

Still other scores, escaping the first dragnet, have packed their bags and fled the city. In one night Federal and local authorities did more to put down such gang murders as have become an unchecked mania in Chicago than all previous efforts put together.

And the end is not yet. More raids are promised, more grillings, and more deportation trials. Jeremiah Hurley, directing supervisor of immigration, is in Chicago at the head of six assistants, and he will stay until the situation is cleared up.

Deportation is the one thing the undesirable alien fears. He has learned he can beat the police and the court and the rope. Graft and pull reduce the hazard of being a hired killer to a minimum, and the pay is big. Taught in his native school of the Mafia and Camorra, the alien gunman makes nothing of committing a murder or half a dozen murders. He makes a trade of it.

How these alien murderers got into the country will do for the next step. Chicago is interested now in getting them out of the country. It had to call in the Federal Government, appeal to the White House, to get the job done. It is grateful to the men who are doing it.

Then Mr. Hurley proceeds:

I do not know what can be done except to adopt some legislation that will tighten up the immigration laws so as to prevent a large number of inadmissible aliens, traveling in the guise of seamen, entering in violation of the immigration laws. * * *

From my experience in dealing with the officials of the International Mercantile Marine and the Cunard Line, I know it will not interfere with the operation of their vessels, for the reason that they are trying to do their very best to obey our laws.

I wish to say in passing, Mr. President, that the evidence before the committees at various hearings indicates that there are some vessels that do everything in their power to prevent mala fide seamen being employed upon them and entering our ports; I wish all vessels would pursue the same course; but the evidence shows, particularly during a number of years in the past, that there seems to have been but little regard upon the part of some of those in charge of vessels paid to the character of those whom they employ. The evidence also shows that many persons paid as much as from \$200 to \$1,100 to some one in order to be shipped into the United States upon vessels from foreign ports. Furthermore, evidence was offered indicating that \$1,100 were paid by some who came to the Pacific coast surreptitiously and in violation of the law, and from \$200 to \$400 were not infrequently paid by persons who sought illegal entrance into the United States and who shipped from European ports.

A great many came into the United States illegally as seamen, when they were not, from Mediterranean ports—hundreds and thousands of them—and are now to be found, or were to be found, in various ports of the United States, of course, taking the place of American workmen and contributing, as some of them did, to the criminal activities that have brought so much criticism upon our country.

But with the other steamship lines—

Mr. Hurley proceeds—

it is a real problem. On one vessel flying the Greek flag 185 crew men deserted out of a total crew of 350.

One of the provisions of this bill requires vessels departing from our shores to take with them as many seamen as they brought to our shores. Here is an instance where 350 were brought as seamen and the ship departed with only 165:

Eight of the deserters were marine firemen. With the Greek and Spanish lines we are in considerable trouble.

Mr. COPELAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, this bill, if enacted into law, would not correct the evil about which the Senator is now talking. The immigration law permits bona fide seamen, no matter whether they can be naturalized in our country, no matter whether they are eligible to citizenship under our usual laws, to come in. The immigration law specifically exempts bona fide sailors. I will make reference to that section of the law, if the Senator will permit me.

Mr. KING. May I inquire if my friend from New York contends that there are not deserting seamen who have come to our shores by the thousand and that the greater number of them are mala fide seamen?

Mr. COPELAND. So far as their intent is concerned, of course they were not bona fide seamen, but who can judge that except the man himself? However, the bill the Senator is advocating so eagerly and so eloquently, if passed, will not correct that condition in the least; the situation will be exactly the same, because the bill will permit a Chinese ship to come in manned exclusively by the nationals of that country, and under the immigration law those bona fide seamen of that Chinese ship would be permitted to go ashore.

Mr. KING. There is no question about that.

Mr. COPELAND. Yes. Then the Senator's bill is not in any sense an immigration bill, but relates only to the matter of restriction of the privileges allowed of the crews of vessels.

Mr. KING. The Senator must understand that in life we deal with realities. There is no Utopian land that my friend and I will reach before we pass to the Great Beyond.

Mr. COPELAND. If the Senator from Utah will permit me to say so, perhaps no one in the Senate better understands that fact than I do.

Mr. KING. As a doctor and a philosopher the Senator does.

Mr. McNARY. Mr. President, may I inquire if the Senator from Utah desires to pursue his argument further at this time?

Mr. KING. I will yield to the Senator in order that an executive session may be had, as I understand that is the program.

Mr. McNARY. That is the intention a little later, but in the meantime I understand the Senator from Washington [Mr. JONES] desires to submit a conference report, if the Senator from Utah will be kind enough to yield.

Mr. KING. I yield the floor for the present.

FIRST DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6660) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1932, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16 and 24.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 12, 14, 18, 20, 21, 22, 25, 26, 27, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, and 45, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lines 6, 7, and 8 of the matter inserted by said amendment strike out "\$90,000, of which sum \$70,000 is made available for the payment of salaries in the District of Columbia" and insert in lieu thereof "\$20,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In

lieu of the sum proposed insert "\$225,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"OFFICE OF PUBLIC BUILDINGS AND PUBLIC PARKS OF THE NATIONAL CAPITAL

"Mount Vernon Memorial Highway: Not to exceed \$4,000 of the appropriation 'Salaries, maintenance, and care of buildings, 1932,' and \$10,000 of the appropriation 'General expenses, maintenance, and care of buildings, 1932,' contained in the independent offices appropriation act, fiscal year 1932, are hereby made available for the fiscal year 1932, for the maintenance of the Mount Vernon Memorial Highway and other Federal lands authorized by the act of May 29, 1930 (46 Stat. 482)."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"OFFICE OF THE SECRETARY

"The amount authorized to be deducted from appropriations for the fiscal year 1932 for the Indian Service and placed to the credit of the appropriation for contingent expenses, Department of the Interior, for the purchase of stationery supplies, is hereby increased from \$50,000 to \$55,000."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Traveling and miscellaneous expenses: The Secretary of the Treasury, upon request of the Attorney General, is authorized to transfer to the appropriation 'Traveling and miscellaneous expenses, Department of Justice, fiscal year 1932,' not exceeding \$12,000 from any other appropriation for the fiscal year 1932 under the control of the Department of Justice."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment after the numerals "1931" in line 10; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Navy Department, except the claim of Harry D. Simons as set forth on page 7 of said Senate Document No. 46, \$1,711.88."

And the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"War Department, except the claims of Dee Tian and Judge Anacleto Diaz as set forth on page 25 of said Senate Document No. 46, \$2,550.70."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$37,107"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42,

and agree to the same with an amendment as follows: In lines 7 and 8 of the matter inserted by said amendment strike out the words "independent offices" and insert in lieu thereof the following: "United States Shipping Board"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 15 and 23.

W. L. JONES,
FREDERICK HALE,
HIRAM BINGHAM,
CARTER GLASS,
KENNETH MCKELLAR,

Managers on the part of the Senate.

JOSEPH W. BYRNS,
J. P. BUCHANAN,
WILL R. WOOD,

Managers on the part of the House.

The report was agreed to.

THE GOLD STANDARD AND BRITISH TRADE

Mr. McNARY obtained the floor.

Mr. WHEELER. Mr. President, will the Senator yield to me in order that I may send to the desk and ask to have read a short letter from M. H. Dodge?

The VICE PRESIDENT. Does the Senator from Oregon yield for that purpose?

Mr. McNARY. I yield.

Mr. WHEELER. I send the letter to the desk and ask that it may be read.

There being no objection, the letter was read and referred to the Committee on Finance, as follows:

GRAND RAPIDS, MICH., January 22, 1932.

Hon. BURTON K. WHEELER,

Senator from Montana, Washington, D. C.

DEAR SENATOR: We have just received a copy of a newspaper, The Samachar, from Zanzibar, Zanzibar Island, issue of November 22, 1931, that contains an article that we believe will be of interest to you. We take pleasure in quoting the article.

"THE GOLD STANDARD AND THE BRITISH TRADE

"Proofs are accumulating to show that the suspension of the gold standard in England has given an extraordinary push to British trade and industry in general. The Manchester Association, of Importers and Exporters, Reuter says, have sent a statement to the Premier, Chancellor of the Exchequer, and president of the board of trade urging that the Government should give an assurance that there is no present intention of returning to the gold standard. It is a conundrum for economists. The fall of the sterling led to the suspension of the gold standard in England. But this fall at once reduced the prices of British manufacturers by 20 to 25 per cent and placed British manufacturers at a great advantage as compared with the other manufacturing countries of the world with whom Britain was up to now unable to compete owing to her goods being much costlier. The result is that unemployment is getting reduced by leaps and bounds, as claimed by the new national Government, and all the business centers of Great Britain are humming with business activity. The boycott of Japanese goods in China has also come in handy. No wonder that the said Manchester association should be eager for an announcement by the Government that the gold standard would not be resumed, at least at present.

"All this leads to the shrewd suspicion that this suspension of the gold standard and such other steps taken of late by Great Britain were a very clever ruse—a very well-staged play—to find a way out of the recent falling off in British trade and industry under the camouflage of the financial stringency, which it is claimed led the British Government to adopt the said measures to stave off further fall in sterling and to balance the budget, and so on. Whatever it may be, the suspension of the gold standard has undoubtedly done an immense good to British trade."

It is certain many heartily approve of your bill relating to the remonetization of silver, but few will take the trouble to tell you so. More power to you in your good work.

Yours respectfully,

THE TANGLEFOOT CO.,
(THE O. & W. THUM CO.),
M. H. DODGE,

Foreign Sales Manager.

P. S.—Many believe that unless such action is taken it will be extremely difficult, if not impossible, to recover our export trade.—M. H. D.

EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

Mr. McNARY. At the request of several Members who are absent, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Couzens	Johnson	Robinson, Ark.
Austin	Cutting	Jones	Robinson, Ind.
Bailey	Dale	Kean	Schall
Bankhead	Davis	Kendrick	Sheppard
Barbour	Dickinson	Keyes	Shipstead
Barkley	Dill	King	Smith
Bingham	Fess	La Follette	Smoot
Black	Fletcher	Lewis	Steiner
Blaine	Frazier	Logan	Stephens
Borah	George	Long	Thomas, Idaho
Bratton	Glass	McGill	Thomas, Okla.
Brookhart	Glenn	McKellar	Townsend
Broussard	Goldsborough	McNary	Trammell
Bulkeley	Gore	Metcalf	Tydings
Bulow	Hale	Morrison	Vandenberg
Byrnes	Harris	Moses	Wagner
Capper	Harrison	Neely	Watcott
Caraway	Hattfield	Norbeck	Walsh, Mass.
Carey	Hawes	Norris	Walsh, Mont.
Connally	Hayden	Nye	Waterman
Coolidge	Hebert	Oddie	Watson
Copeland	Howell	Patterson	Wheeler
Costigan	Hull	Pittman	White

The VICE PRESIDENT. Ninety-two Senators have answered to their names. A quorum is present.

REPORTS OF COMMITTEES

The VICE PRESIDENT. Reports of committees are in order.

Mr. ODDIE, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were placed on the Executive Calendar.

RECONSTRUCTION FINANCE CORPORATION

Mr. NORBECK. Mr. President, the nomination of General Dawes for the Reconstruction Finance Corporation and the nominations of the other members have been approved by the Committee on Banking and Currency and the reports have been handed in.

The VICE PRESIDENT. They have been handed in.

Mr. NORBECK. I desire at this time to ask unanimous consent to take up the nomination of General Dawes.

Mr. HARRISON. Will not the Senator ask that all of them be considered by unanimous consent?

Mr. NORBECK. Certainly. I thought I would take one at a time.

Mr. HARRISON. I see. The Senator, then, intends to follow his request by asking unanimous consent to consider the others?

Mr. NORBECK. Yes.

The VICE PRESIDENT. Is there objection?

Mr. BLAINE. Mr. President, I desire to enter an objection. I do not think we ought to be hasty in confirming nominees for such important positions as those to which these gentlemen have been appointed. Therefore, I think the matter should take its regular course.

The VICE PRESIDENT. The nominations will remain on the calendar.

If there be no further reports of committees, the calendar is in order.

TREATY

The Chief Clerk announced Executive KK (70th Cong.), a treaty of friendship, commerce, and consular rights between the United States and Norway, signed at Washington on June 5, 1928, and an additional article thereto signed at Washington on February 25, 1929.

Mr. McNARY. In the absence of the senior Senator from Idaho [Mr. BORAH], I ask that the treaty go over.

The VICE PRESIDENT. Without objection, the treaty will go over.

FEDERAL FARM BOARD

The Chief Clerk read the nomination of Frank Evans, of Utah, to be a member of the Federal Farm Board.

Mr. McNARY. I ask that the nominations for the Federal Farm Board go over for the day.

The VICE PRESIDENT. Without objection, they will go over.

FEDERAL TRADE COMMISSION—WILLIAM E. HUMPHREY

The Chief Clerk read the nomination of William E. Humphrey, of Washington, to be Federal trade commissioner for the term expiring September 25, 1938.

Mr. SHEPPARD. Mr. President, I made inquiry yesterday as to whether hearings had been held on this nomination, and I was advised that they had been held. I should like to ask the chairman of the committee who reports the nomination what developed in those hearings.

Mr. COUZENS. Mr. President, the full Committee on Interstate Commerce held hearings on the question of the confirmation of Mr. Humphrey. Everyone who asked for an opportunity to be heard was heard. So far as I understand, the principal objections made to Mr. Humphrey were not sustained, because there seemed to be a misunderstanding. The Senator from Texas [Mr. CONNALLY] was at the hearings; and, as I recall, while I was not present all the time, Representative PATMAN conceded that the charges that he had in mind did not apply to Mr. Humphrey, or at least not exclusively to him.

After the hearings had exhausted themselves, the committee reported Mr. Humphrey's nomination favorably. As I recall, the only objection on the part of those present was raised by the Senator from Iowa [Mr. BROOKHART]. The Senator from Montana [Mr. WHEELER] was not present, although I understood that he had some objection to Mr. Humphrey's confirmation. Outside of that, there was no objection from the committee.

The hearings were extensive. They were not printed, but they are available to anyone. The reason why they were not printed was because it did not seem to be necessary, and they are available to anyone who may desire to read them.

Mr. WHEELER. Mr. President, I held the nomination of Mr. Humphrey up in the committee and it developed in the hearing that when Mr. Humphrey was first appointed upon the Federal Trade Commission he was and had been attorney for some of the lumber interests of the northwestern part of this country. In other words, he had been a lobbyist for them here in Washington.

He was appointed on the commission, however, and served on the commission at least one term, and since he has been on the commission matters relating to the lumber industry have been assigned to him. It is quite natural that that should have been done because he was a lobbyist for them prior to the time he was put on the commission.

Whether he has acted unfairly since he has been on the commission with reference to those interests I am unable to say, but it is quite in keeping with the policy of the present administration and of the previous administration to appoint lobbyists on these commissions to take care of the industries which the commissions were created to look after.

Mr. President, in addition to that Mr. Humphrey represented Mr. Blair Coan, who, the Senate will remember, was sent out to Montana with the idea of "getting" both my colleague and myself. He did appear for him, and I am told he received a fee of only \$200. That was previous to the time he was put upon the commission, however.

In addition to that, I think it must have been quite evident to many who heard the testimony before the committee that Mr. Humphrey was, to say the least, not entirely competent for the position to which he has been appointed. Outside of that he is all right, and I am afraid that if somebody else is appointed, we will get some one just as bad as he is.

Mr. CONNALLY. Mr. President, the Senator from Michigan [Mr. COUZENS] has already made a statement with reference to what transpired in the committee with regard to the hearings. I am not a member of the committee, but I was present. As suggested by the Senator, the particular matters which were called to the attention of the committee by a Representative from my State seemingly were satisfactorily explained, so far as that Representative was concerned.

I want to indicate my opposition to the confirmation of Mr. Humphrey, because I regard him as not qualified by his

past associations, or by his outlook, properly to represent the public on the Federal Trade Commission. One of the chief functions of that body is to investigate and correct trade practices of the great corporations and other commercial interests of the United States. I do not regard Mr. Humphrey as being in sympathy with the spirit of the law establishing the commission. I regard him as one who is in sympathy with the identical interests he is supposed to correct and regulate through the Federal Trade Commission.

I refer particularly to the matter of the adoption by various industries of what are known as trade practices. I believe that many of those trade practices, frequently initiated by the industries and approved by the Federal Trade Commission, become the shield behind which such industries violate the antitrust laws. They become a refuge rather than an instrument of correction and regulation by the Federal Trade Commission.

I was not a Member of this body at the time, but I recall when Mr. Humphrey was first appointed to the Federal Trade Commission. I did not then regard him as qualified, if we are to consider the public interest, for that position. I remember that shortly after his appointment as Federal trade commissioner he made a public address, in which he indicated, in effect, that under his administration business was to have a free hand, that business was not to be interfered with by the Government, clearly implying, of course, that big business, in the respects in which the Federal Trade Commission was supposed to regulate it and correct its abuses, was not to be annoyed and harassed by the commission under his direction.

I refer particularly, among other trade practices and conference agreements adopted, to that of the oil industry. In the hearings Mr. Humphrey stated that he did not vote for that trade conference agreement, but the facts developed that while he had not voted for the first trade practice agreement in the petroleum industry, because he was absent at that time, he had on a subsequent occasion, when a new trade conference agreement on petroleum had been presented, voted for it, and that is the trade conference agreement being observed now by the oil companies throughout the United States.

In view of the report of the committee, opposition may be futile, but I want to register my vote against the confirmation of Mr. Humphrey.

Mr. NORRIS. Mr. President, I would be satisfied on this occasion to have a roll-call-record vote to register my vote against this confirmation and to say nothing about it, because on a former occasion, when Mr. Humphrey was first appointed, I went into some detail as to why I felt I could not vote for his confirmation. I do not care to go into that now, as it is in the CONGRESSIONAL RECORD.

I feel now as I did then. I think I stated on the former occasion—and if I did not I want to state now—that I am moved in my opposition to Mr. Humphrey's confirmation by no personal feeling whatever against Mr. Humphrey. It just happened that my first election to Congress was to the Fifty-eighth Congress, and Mr. Humphrey came to the same Congress, and we were inducted into office at the same time.

In those days in the House of Representatives, under a very long established practice, newcomers were expected to, and did, remain quiet for quite a while. I see my friend the senior Senator from Indiana [Mr. WATSON] smiling at that assertion. If he wants to contradict it, I will yield to him now.

Mr. WATSON. I am in entire agreement with the Senator, and both the Senator from Nebraska and the Senator from Indiana religiously observed the custom.

Mr. NORRIS. In fact, if we did not religiously observe it we were put out of church pretty quickly. We found that that was the only way to get along.

I mention this only to show that newcomers flocked by themselves; they were in a class by themselves, and therefore those who came in at the same time usually became very well acquainted. So I became very well acquainted with Mr. Humphrey. I hope I am not stretching the truth a particle when I say that we were very good friends, and, as far as I know, we have always remained personal friends since.

Mr. President, I think Mr. Humphrey is not constituted in a way that qualifies him for the position to which he has been appointed. He possesses the ability; as far as I know, he is perfectly honest and reliable, but his viewpoint is such that it seems to me he never ought to be appointed to a position on the Federal Trade Commission, which body has to deal with practices of big corporations and unfair competition between corporations and the smaller fry.

I think Mr. Humphrey is perfectly conscientious in his viewpoint. At least, I have no information to the contrary, and I am assuming that that is true. I think he is a very good lawyer and would make an excellent showing trying a lawsuit. But in all the service I had with him, which extended over a good many years, in various controversies which took place in the House of Representatives between those who I thought were moved by machine control and boss influence in politics, there never was any doubt where Mr. Humphrey would land or where he would go or where he belonged. Never in a single instance did he ever vary, so far as I know, in lining up where his friends, as well as his enemies, knew he would line up.

I agree entirely with what the Senator from Texas has said. I get my idea from my own personal knowledge, and while I realize that Mr. Humphrey may be right in all controversies and I be wrong, nevertheless, holding the ideas which I entertain, I would not for a moment consider a man with the viewpoint of Mr. Humphrey for a position of this kind. There are other positions which I think he would be perfectly well qualified to fill, and I would be glad to support him for such positions if he were nominated for them.

The Senator from Texas referred to trade organizations. I do not want to criticize those who believe in such organizations and in their practices. They may be all right. In my judgment, they are all wrong, a hundred per cent wrong.

No one is a more outstanding representative of those organizations, no one believes in them and the various methods to which they have resorted, which, in my judgment, result always in a circumvention of law, than the President himself, who has made many speeches, some of which I read on the floor of the Senate when he was Secretary of Commerce; he always being called upon to deliver the key speech whenever these great organizations met. So he selected a man for this position who I think agrees with him entirely from an economic point of view.

I concede, of course, that people who have such views have just as good a right to them as I have to mine; that they may be right and that I may be wrong. I concede their conscientious convictions, but in my judgment the little man, about whom we ought to be careful and whose rights ought to be guarded with jealous care, never gets a square deal when he comes into court or comes before a commission composed of men, however honest and able they may be, who hold such views.

For these reasons I am opposed to the confirmation of Mr. Humphrey. I wanted to say this much so that the Record might show, if there is to be no roll call, that I would vote against his confirmation.

Mr. SMITH. Mr. President, I think it is my duty to state that when Mr. Humphrey's name came up certain complaints were lodged against him by a Representative from Texas, Mr. PATMAN. He appeared in person and made specific charges. The gravamen of the charges was that certain combinations or certain organizations had come, at their own instance, as I understood, and asked to go before a member or members of the Federal Trade Commission and lay before them certain rules governing their practices and to get their approval by the Federal Trade Commission.

As to the specific points brought out by the Representative from Texas as being detrimental to competition, a certain combination killing competition, Mr. Humphrey categorically denied that he participated in them, stating that, on the contrary, he believed such combinations were destructive of helpful and legitimate competition and that he voted against them.

The chairman of the Committee on Interstate Commerce is present, and I would like to have his attention for just a

moment. I have made the statement that the charges which were brought by the Representative from Texas, Mr. PATMAN, specifically set out that Mr. Humphrey categorically denied that he voted for these practices which were proposed to be adopted, but contrary to his views. Am I correct or not?

Mr. COUZENS. That is my understanding, so far as it applies to the cotton industry.

Mr. SMITH. Yes; I said the charges that were brought. Subsequently the Senator from Texas [Mr. CONNALLY] asked certain questions in reference to the oil industry. Mr. Humphrey was not as clear and specific with reference to his attitude toward the petroleum industry, but he left the impression on the committee by his denial and his statement that he was opposed to trade practices that look toward a suppression of healthful and legitimate competition. That was the general tenor of his attitude before the committee. He cited us to the record, which he states can be obtained at the Federal Trade Commission, as his vote and his attitude.

I felt that it was my duty to make this statement. I have known Mr. Humphrey only as a candidate for the position he now occupies and very casually as a member of the commission, but I was very much surprised, when the charges were brought, at the frankness with which he denied them and seemingly satisfied Mr. PATMAN, the Representative from Texas.

Mr. LONG. Mr. President, I know how utterly futile it is for me to rise and undertake to oppose the confirmation of any of these nominations. However, I want to take this opportunity to place myself on record with reference to the policy of the administration and its members in reaching out into the affairs of every industry supposed to be regulated in this country and appointing their representatives to sit on these bodies which are supposed to supervise their affairs. We have had our laws nullified by the activities of appointees of this kind. It seems to be the unvarying custom of this and the previous administration, as it was exemplified in the case of a vacancy on the Supreme Court of the United States. The Supreme Court stood 4 to 4 on the valuation of the public utilities of the United States, and a vacancy was to be filled. The then acting administration, similar to the present administration, reached out and appointed as the ninth member of the Supreme Court of the United States one of the leading corporation attorneys of the country who had been maintaining the very view upon which the Supreme Court of the United States at that time was divided. Such appointments have nullified the Power Commission, they have nullified the decisions of the Supreme Court of the United States, and have nullified the Trade Commission in the same manner. I intend to vote against the confirmation of every such man who seeks reappointment on these commissions.

Mr. JONES. Mr. President, I do not think it is necessary to say anything in regard to Mr. Humphrey in view of the fact that no charges have been sustained. I have known Mr. Humphrey for nearly 40 years, and I am glad to hear the statement here that there is really no question as to his honesty and his integrity. He and I may not always have agreed with reference to various propositions. When he was named before, I felt satisfied as to his honesty, his integrity, and his sincerity of purpose. I am glad that after six years of service there is no question raised in regard to those matters.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nomination?

Mr. NORRIS. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a general pair with the junior Senator from California [Mr. SHORTRIDGE], but I understand that he would vote, if present, as I propose to vote. Therefore I am at liberty to vote. I vote "yea."

Mr. BARKLEY (when his name was called). I have a general pair with the senior Senator from Colorado [Mr.

WATERMAN]. I understand that if present he would vote as I intend to vote. Therefore I am free to vote. I vote "yea."

Mr. JONES (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. SWANSON] during his absence. I find that I can transfer that pair to the senior Senator from Delaware [Mr. HASTINGS], which I do, and vote "yea."

The roll call was concluded.

Mr. ROBINSON of Arkansas. I am paired with the senior Senator from Pennsylvania [Mr. REED]. I withhold my vote.

Mr. FESS. I wish to announce that the senior Senator from Pennsylvania [Mr. REED] is necessarily absent on official business.

Mr. SHEPPARD. I desire to announce that the following-named Senators are detained on official business: The Senator from Nevada [Mr. PITTMAN], the Senator from West Virginia [Mr. NEELY], the Senator from Georgia [Mr. HARRIS], the Senator from Colorado [Mr. COSTIGAN], the Senator from Alabama [Mr. BANKHEAD], and the Senator from South Dakota [Mr. BULOW].

The result was announced—yeas 53, nays, 28, as follows:

YEAS—53

Ashurst	Davis	Jones	Smoot
Austin	Dickinson	Kean	Steiner
Bailey	Dill	Kendrick	Thomas, Idaho
Barbour	Fess	Keyes	Townsend
Barkley	Glenn	Lewis	Trammell
Bingham	Goldsborough	McNary	Tydings
Broussard	Hale	Metcalf	Vandenberg
Byrnes	Harrison	Moses	Wagner
Capper	Hatfield	Oddie	Walcott
Carey	Hawes	Patterson	Watson
Coolidge	Hayden	Robinson, Ind.	White
Copeland	Hebert	Schall	
Couzens	Hull	Shipstead	
Dale	Johnson	Smith	

NAYS—28

Black	Cutting	La Follette	Norris
Blaine	Fletcher	Logan	Nye
Borah	Frazier	Long	Sheppard
Bratton	George	McGill	Thomas, Okla.
Brookhart	Glass	McKellar	Walsh, Mass.
Bulkeley	Gore	Morrison	Walsh, Mont.
Connally	King	Norbeck	Wheeler

NOT VOTING—15

Bankhead	Harris	Pittman	Stephens
Bulow	Hastings	Reed	Swanson
Caraway	Howell	Robinson, Ark.	Waterman
Costigan	Neely	Shortridge	

So the Senate advised and consented to the nomination of Mr. Humphrey as a member of the Federal Trade Commission.

POSTMASTERS

The Chief Clerk proceeded to read the nominations of sundry postmasters.

Mr. ODDIE. Mr. President, I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The VICE PRESIDENT. Without objection, that action will be taken.

THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

Mr. HALE. Mr. President, I ask that nominations in the Navy be confirmed en bloc.

The VICE PRESIDENT. Without objection, that order will be made. That completes the calendar.

TREATIES

Mr. BORAH, from the Committee on Foreign Relations, reported favorably the following treaty and convention:

Executive A, Seventy-second Congress, first session, a treaty of friendship, commerce, and consular rights with Poland, signed at Washington on June 15, 1931; and

Executive FF, Seventieth Congress, second session, a convention of maritime neutrality, adopted on February 20, 1928, at the Sixth International Conference of American States at Habana, Cuba.

The VICE PRESIDENT. The reports will be placed on the calendar.

The Senate resumed legislative session.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 252) to authorize the Interstate Commerce Commission to make an investigation as to the possibility of establishing a 6-hour day for railway employees, in which it requested the concurrence of the Senate.

INCREASES IN CURRENCY CIRCULATION

Mr. WALSH of Massachusetts. Mr. President, I have recently had some correspondence with Secretary of the Treasury Mellon requesting his views on a proposal to attach the circulating privilege to an additional issue of United States bonds, so that provision would be made for an increase in the national-bank circulation up to the authorized limit. I ask that this correspondence be placed in the CONGRESSIONAL RECORD for the information of the Senate and the public.

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

The correspondence is as follows:

JANUARY 15, 1932.

MY DEAR MR. SECRETARY: It is being suggested in many quarters that further increases in currency circulation will contribute to the relief of the existing credit stringency. In this connection it is pertinent to observe that though the national banks of the country are permitted by law to issue national-bank notes, secured by Government circulation bonds, to an amount not exceeding their total paid-in capital, the existing national-bank-note circulation is considerably less than one-half of the possible authorized total.

On September 29, 1931, the date of the last call of the Comptroller of Currency upon the national banks for a statement of their condition, for which the figures are yet available, a total of 6,658 national banks reported total paid-in capital of \$1,656,374,000. On December 31, 1931, the total of the national-bank notes outstanding was reported as \$656,402,000. Here is a permitted margin on our bank-note circulation, roundly, of \$1,000,000,000 which is not at present being utilized.

Though the national banks theoretically may issue their bank notes to the limit of their paid-in capital, they are in fact greatly restricted in this privilege by reason of the fact that sufficient circulation bonds for this purpose are not available.

The Treasury statement of the public debt as of October 31, 1931, shows that the Government's circulation bonds, bearing 2 per cent interest, then outstanding totaled \$674,625,580. These comprised the so-called consols of 1930, issued in 1900, of which \$599,724,000 are outstanding, and the two issues of Panama Canal 2 per cent bonds, 1916-1936, of \$48,954,180, and 1918-1938, of \$25,947,400.

It is self-evident, therefore, that at the present time the national-bank-note circulation is held down below \$700,000,000, as compared with a possible \$1,650,000,000. It occurs to me that this situation offers the opportunity to increase substantially the currency circulation, if that be in fact desirable, and at the same time furnish a ready market for a substantial issue of Treasury bonds at a low coupon rate.

It would appear entirely possible to issue at this time circulation bonds, with a coupon rate of not over 2 1/4 per cent, totalling approximately a billion dollars, with the assurance that the national banks would absorb this issue, and by issuing their own bank notes, not only increase the currency circulation but in no wise impair their own cash position, since their own bank notes would offset their investment in the new issue of circulation bonds.

The Treasury by this operation could fund on a long-term basis, at a low interest rate, some of the present short-term indebtedness. Or if that were deemed inexpedient, the capital requirements of the Reconstruction Finance Corporation, which the Treasury is to be called upon to supply, to the amount of \$500,000,000, and the Treasury's contribution of \$125,000,000 of capital funds to the Federal land banks, could be safely and easily met by an issue of circulation bonds.

I shall highly appreciate information as to whether the Treasury deems such steps expedient and desirable; and, if not, the reasons therefor.

Respectfully yours,

DAVID I. WALSH.

Hon. ANDREW W. MELLON,

Secretary of the Treasury, Washington, D. C.

THE SECRETARY OF THE TREASURY,
Washington, January 21, 1932.

MY DEAR SENATOR: I have your letter of January 15, 1932, in which you ask my comment on the proposal to attach the circulation privilege to an additional issue of United States bonds, so that provision will be made for an increase in the national-bank circulation up to its authorized limit. This would mean additional bonds bearing the circulation privilege to the amount of about \$1,000,000,000.

There are now outstanding about \$675,000,000 United States 2 per cent bonds bearing the circulation privilege, and about \$665,000,000 of these bonds are deposited with the Treasurer of the United States as security for the issue of circulating notes by national banks. If \$1,000,000,000 additional bonds bearing the circulation privilege were made available and the coupon rate fixed at 2 1/4 per cent, the outstanding 2 per cent bonds would be adversely affected unless the tax rate on circulation were made to conform. Moreover, with a total of \$1,675,000,000 bonds outstanding bearing the circulation privilege, all with a coupon rate under the market, it would seem that unless all such bonds were used as security for the issue of national-bank currency the market for all these bonds would be adverse. I have no evidence before me that would warrant the belief that the circulation of national banks could be increased some \$1,000,000,000 even were it thought desirable.

The Congress, in the Federal reserve act, made provision for an elastic currency responsive to the requirements of business. In the present depression there has been no currency shortage, and although there has been a great increase in the currency outstanding, the Federal reserve system has met the increase without strain. If the suggestion conveyed in your letter were adopted, the total circulation of national banks might be increased, but in view of the existing provision for currency supply, any such increase would in all probability be offset through retirements of Federal reserve notes. I believe such a change would be unwise, as national bank circulation is not elastic, as is the case with Federal reserve notes, and is not immediately responsive to changing conditions.

If the country were confronted with a currency shortage, or if the established provision for currency supply were deemed inadequate, it might be urged with very good reason that, as an emergency measure, provision be made for increasing the national-bank circulation. I do not find the conditions now existing would warrant such action.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. DAVID I. WALSH,
United States Senate.

ECONOMIC CONDITIONS IN THE NORTHWEST

MR. SCHALL. Mr. President, for many weeks there has been a hearing going on in my State conducted by the governor which is of interest to all the farmers of Minnesota and, I am sure, of great interest to the farmers of all the agricultural States.

The hearing somewhat covers the ground of the fight that has been going on for 25 years between the cooperatives representing the farmers in an effort to cooperatively market farm products and the private grain exchanges.

I ask unanimous consent that the speech of the counsel in behalf of the Farmers Union pertaining to the hearing be printed in the RECORD.

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

CLOSING ARGUMENT OF TOM DAVIS, OF MINNEAPOLIS, MINN., COUNSEL FOR THE FARMERS UNION TERMINAL ASSOCIATION, IN THE HEARING BEFORE HON. FLOYD B. OLSON, GOVERNOR OF MINNESOTA, JANUARY 18, 1932

Your Excellency, a hearing without parallel in the history of this State has now come to a close.

A fraud—a colossal fraud—which has clutched at the throats of the farmers of the Northwest for 50 years has been dragged out into the light of day.

The chamber of commerce and the grain gamblers of the Nation are now on trial before you.

For years the farmers of this country have been fighting for economic justice and for a marketing system which would protect them from the unjust and gigantic tribute exacted by the grain gamblers of America.

For the first time in our history, laws have been enacted for the purpose of enabling the farmers and producers to market their products and to sell their grain on a nation-wide scale without paying tribute to grain gamblers, boards of trade, and chambers of commerce all over this country.

These selfish interests could not stop the passage of such laws, and they were passed as a result of the efforts of the Farmers Union Terminal Association and some other cooperatives and farm organizations.

When these laws were passed, those interests which had enjoyed the privilege of making a profit out of the needs of the farmers realized that if this movement were successful the most gigantic graft of the ages—the robbery and despoliation of the farmers of America—would be forever at an end.

The chamber of commerce and the grain gamblers knew that honest men were at the head of the Farmers Union Terminal Association. They knew that millions of dollars were brought into this Northwest area for the benefit of the farmers, the business men, and the small bankers through the efforts of the Farmers Union Terminal Association and other cooperatives. They realized that the cooperative movement was going to be a success. They

knew they could not successfully attack the program of the Farmers Union Terminal Association in the open.

A CAMPAIGN OF FALSEHOOD

The chamber of commerce and the grain gamblers have resorted to a campaign of propaganda and falsehood against the Farmers Union Terminal Association and the cooperative movement. This proceeding is a part of that campaign and the most glaring example of their corruption, their perfidy, and their dishonesty.

The ostensible purpose of this proceeding was an effort upon the part of Senator Mullin to remove the railroad and warehouse commission of Minnesota because of certain acts falsely charged against the Farmers Union Terminal Association.

The real purpose was to destroy the cooperative movement and to destroy the faith of the people in the laws which have been enacted for their benefit. The Chamber of Commerce of Minneapolis did not dare to bring these proceedings in their own name and they have used Senator Mullin as a smoke screen to assist the grain gamblers in destroying the cooperative movement. They never expected, and do not now expect, to remove the railroad and warehouse commission in this proceeding.

Throughout all these tedious proceedings, the pretended purpose of which was an attack upon the honesty and integrity of one of the best friends the farmers of Minnesota ever had—the Hon. O. P. B. Jacobson—the real purpose and the real people stand out as clear as day.

The men and women on the farms, in the factories, and homes of Minnesota can follow with ease the slimy, crooked trail which like a serpent runs through all these proceedings.

That trail, your excellency, leads to the door of the Chamber of Commerce of Minneapolis.

This proceeding was initiated by the chamber of commerce. It reeks with the perjury and fraud of officials and employees of the chamber of commerce. It has but one purpose and one objective, and that is to destroy the cooperative movement in the Northwest.

ATTACK AIMED AT FARM BOARD

This pretended attack upon the railroad and warehouse commission is, in fact, an attack upon the Farm Board. It is an attack upon the marketing act. It is an attack upon the Grain Stabilization Corporation—all under the dishonest guise of a silly attempt to get you to remove the railroad and warehouse commission.

This is a result which relator and his attorneys never hoped to attain.

This is a result which would stamp these proceedings as pure politics and as partisan propaganda.

This the Governor of Minnesota will never be a party to.

This the ruler of our sovereign State will never lend his hand to.

And why?

Because the charges made by relator have not been proven.

Because the evidence relied upon by relator and his attorneys to bolster their tottering tissue of falsehoods reeks with fraud, with cunning, with conniving, and the rankest perjury ever known in any proceeding, judicial or otherwise, in the history of our State.

Because the chamber of commerce, and it alone, is responsible for and initiated this hearing in an effort to discredit the marketing act.

Because the grain gamblers would use your high office to strike at the one law, the Federal marketing act, which gives to the producers and farmers of this Nation hope for economic justice and fair dealing.

The Farmers Union Terminal Association came into this hearing to answer, not only the false charges against the Farmers Union Terminal Association but the dishonest attack against the marketing act.

The Farmers Union Terminal Association came into this hearing to call the bluff of the chamber of commerce and to drag them out into the light of day where the people of Minnesota and this Northwest can see the fraud, the corruption, the deceit, the treachery of this octopus which has strangled the farmers and producers and which now seeks to destroy the laws which were enacted for their benefit.

We now demand that the chamber of commerce be put where they belong before the people of this Nation.

The Farmers Union Terminal Association came into this hearing because they wanted to, and not because they had to.

CHAMBER OF COMMERCE PLOT UNCOVERED

The chamber of commerce came into this hearing, not because they wanted to but because they had to. We dragged them in by their heels and held them up so that the people could see once and for all who the real crooks and the real thieves are.

Some of their officials have perjured themselves before the governor of this State in an effort to protect the chamber of commerce in this dirty transaction.

When these charges were first made and first laid before your excellency they were heralded from the front pages of the newspapers of the Northwest, and there was created in the minds of the people the false notion that the Farmers Union Terminal Association had been guilty of misconduct.

How utterly these charges have fallen, and yet how shamelessly have the interests desiring to destroy a cooperative organization persisted in trying to poison the public mind against men and against an institution that are giving the best that is in them for the welfare of the farmers of this Nation.

Sitting in the background and spending the money of the chamber of commerce and the grain gamblers in an effort to put across this kind of a deal are Mr. McHugh, the secretary of the chamber of commerce, and his assistant, Eddie Hughes, the runaway witness who was afraid to face the music and tell the truth.

CHAMBER OF COMMERCE PAID THE BILL

These were the men who furnished the ammunition for this dastardly, dishonest attack against the Farmers Union Terminal Association, the marketing act, the Grain Stabilization Corporation, and the Farm Board.

Not a single one of their charges has been proven; not a single one of their aspersions and privileged libels and slanders has been established.

In order to bring this proceeding to remove the railroad and warehouse commission, it was not necessary for relator and his counsel to make unjust and dishonest charges in their petition against the Farm Board, the Grain Stabilization Corporation, and the marketing act.

Only one interest could profit by creating in the minds of the people a distrust of the marketing act and of the agencies set up to give relief to the farmers of the Northwest. That interest is the grain gamblers of this Nation.

We intervened because these charges were leveled at an organization that has fought the farmers' battles. Because the real purpose back of this proceeding was to tear down the faith of the farmers and the people in the Farmers Union Terminal Association.

This was the result which the chamber of commerce and the grain gamblers hoped to accomplish.

This is the first shot in a battle which must go on until the farmers of this Nation, through laws and through organization, have the right to market their products without becoming the victims of the chamber of commerce or the grain gamblers of this land.

The Farmers Union Terminal Association is a cooperative organization, owned and controlled by its stockholders, who are farmers and producers. They, and they alone, elect their board of directors who, in turn, elect their officers.

It is an organization in which every stockholder has a voice and its purpose has been and will be to give to the farmers some real service in the marketing of their products.

These proceedings, with McHugh, of the chamber of commerce in the background, were intended to destroy the names and reputations of not only elected public officials but of men and of organizations who are honestly and sincerely fighting for the public welfare.

No name has been too sacred, no reputation too honored, but what it has been attacked by those responsible for this proceeding.

CHARACTER ASSASSINS

The chamber of commerce desires above all else to destroy the faith of the people in Mr. Huff, the president of the Farmers National Grain Corporation, and in Mr. Thatcher, general manager of the Farmers Union Terminal Association. The grain gamblers know that the ability and integrity of these two men are unquestioned. They know that the farmers of the Northwest are fully aware of the sacrifices and the hardships these men have endured and of the work they have done in behalf of the producers.

The institutions which can profit most by destroying the faith of the people in these loyal and able servants are the Chamber of Commerce of Minneapolis and the Chicago and Duluth Boards of Trade.

Let us analyze the charges contained in relator's complaint.

The one thought that should be constantly kept in mind is this: If these ridiculous charges made against the Farm Board, the Stabilization Corporation, and the marketing act were proven, who could hope and expect to profit by such a contingency? None could hope to gain or profit by such a result but the Chamber of Commerce of Minneapolis and the grain gamblers of this Nation.

THE MARKETING ACT

On page 1 of petitioner's complaint we find an allegation quoting the marketing act. Now, it may be said that these allegations and others contained on some five pages of this so-called complaint were essential to a proper understanding and presentation of this matter. But counsel for relator are insisting that you remove the railroad and warehouse commission for certain illegal acts. If they should be removed for illegal acts, it would make no difference whether such acts charged against the commission had been committed by a cooperative organization or by a member of the chamber of commerce.

Why are these things in the complaint?

Who wanted them there?

What have they to do with the specific charges of wrongdoing?

These charges have nothing to do with this proceeding. The broadcasting of these charges, dishonest as they are, constituting the most baseless slanders ever set on foot, can do only one thing and that is to cause the people to lose faith in their Government and in the laws passed for the good of all instead of for the profit of the few.

After particularly alleging the set-up of the Farm Board, the Stabilization Corporation, the Farmers National Grain Corporation, and the Farmers Union Terminal Association, relator proceeds to make wholesale charges, which are false, as to the officials of these organizations.

Not a shred of evidence has been produced to sustain any charge of wrongdoing on the part of these organizations. The only purpose of these charges was to benefit the chamber of commerce

and the grain gamblers. They alone profited by the broadcasting of these charges.

I call your excellency's attention to one allegation reading as follows:

"There is outstanding subscribed stock of the Farmers National Grain Corporation with a par value of \$640,000, of which some 10 per cent, or \$64,000, has been paid for in cash and notes taken for the balance. This corporation, with only \$64,000 of paid-in capital stock, made a net profit in 1930 of \$666,000 after all expense of operation, salaries, etc., were deducted. This sum represents largely commissions paid to the Farmers National Grain Corporation, as agent of the Grain Stabilization Corporation, comes out of the \$500,000,000 revolving fund and hence out of the taxpayer."

An attempt was made by relator to prove this charge.

What relator's counsel failed to state and what they have been unwilling apparently to prove is that the compensation paid to the Farmers National Grain Corporation for the handling of grain was the same commission that was paid to the private grain concerns and members of the Chamber of Commerce of Minneapolis and the Duluth Board of Trade.

PRIVATE ELEVATORS ALSO PROFIT FROM STORAGE

It will interest you to know that numerous elevator companies in Minneapolis, Duluth, and in Chicago were paid the same commission as was paid the Farmers National Grain Corporation for the handling of grain for the Grain Stabilization Corporation.

What the grain gamblers are complaining about is that the Farm Board and the Grain Stabilization Corporation allowed a cooperative to handle grain.

The Farmers National Grain Corporation, a cooperative, functioned so efficiently and so well for the interests of the producers that these commissions were lost to the grain gamblers.

What the grain gamblers wanted was a monopoly and not competition.

What they got was competition, and plenty of it.

The profits made by the Farmers National Grain Corporation revert back to the cooperative organizations who own and control the stock in the Farmers National Grain Corporation, and, in turn, these profits are returned to the cooperative elevators and the individual farmers.

The people are not complaining about this. There was no occasion to set forth these charges in the complaint of relator except that it was desired by the chamber of commerce in an attempt to discredit the marketing act.

On page 4 of their complaint they again set forth a charge that profits were made by the Farmers National Warehouse Corporation in the city of Duluth, Minn., by the storing of grain.

But counsel for relator offered no evidence to sustain this charge.

The Railroad and Warehouse Commission of Minnesota had no jurisdiction over such matters. It was not necessary, in order to hear the charges in the present matter, to refer to these things. It was done with a desire to create a false impression and poison the public mind. Such a result could benefit only the chamber of commerce and the grain gamblers. The taxpayers are not complaining about this. The farmers know it is for their benefit. The cooperative elevators receive their proportionate share of these profits, and what every farmer should do is to join the Farmers Union Terminal Association and help in seeing that the marketing act remains as a law in this country so that these farmers and farmer-cooperative elevators can get these profits which have always been gobbled up by the grain gamblers.

And again, for the benefit of the chamber of commerce, relator further states:

"The agricultural marketing act requires that the members of the Federal Farm Board shall not actively engage in any other business, vocation, or employment and fixes the salary of such members at \$12,000 per year.

"The Federal Farm Board, however, permits the Farmers National Grain Corporation and its allied Grain Stabilization Corporation to pay its officers and managing agents salaries greatly in excess of this sum."

This has nothing to do with the matter before your excellency. It is a matter within the control of the Farmers National Grain Corporation. They have the right to decide what salaries to pay their officials. The Federal Farm Board and the Railroad and Warehouse Commission of Minnesota have no jurisdiction over such a matter.

Again relator states:

"George S. Milnor receives a salary of \$50,000 per year and the other officers in proportion, which sums, together with the net profit of \$666,000 shown on the books of the Farmers National Grain Corporation, are paid out of the so-called revolving fund."

SALARIES? SUCCESS IS WHAT HURTS THEM!

There is a limit to one's credulity and there is a challenge to one's intelligence, and in the charge above quoted both of them are attained. Granting that Mr. Milnor receives a salary of \$50,000 per year as general manager of the Farmers National Grain Corporation, what has it to do with these proceedings?

The Farmers National Grain Corporation handled a business last year of 391,000,000 bushels of grain, with a net profit to the producers of two and one-half million dollars. Many a general manager and officer of corporations handling far less volume of business are paid greater salaries than was paid in this instance.

The salary paid to Mr. Milnor is but an infinitesimal proportion of the amount that the grain gamblers of this Nation have annually stolen from the farmers of this country.

A business running into hundreds of millions of dollars a year needs a general manager of ability and integrity. No one has ever questioned either the ability or the integrity of the general manager of the Farmers National Grain Corporation.

It is because he has succeeded too well. It is because Milnor and Thatcher and Huff have too well protected the interests of the farmer that the chamber of commerce is squealing. It is because Thatcher and Huff and Milnor can not be bought or bribed or bullied that the grain gamblers are whining and seeking to destroy the faith of the people in the only law passed for the protection of the American farmer, the marketing act.

The chamber of commerce is whining about the salaries of the officers of the Farmers National Grain Corporation but seem to forget the salaries paid by the millers and the private grain interests, running into millions of dollars, every dollar of which comes out of the pocket of the American farmer and not one penny of which ever gets back to him. It is the purpose of the cooperative movement to get this money back to the farmer and not let the grain gamblers keep it.

WHAT ARE PRIVATE GRAIN TRADE SALARIES?

Does the chamber of commerce think for a moment that the farmers of this country do not know that hundreds of men in the private grain trade draw salaries far in excess of any officers of any cooperative, and every dollar of this salary is paid by the American farmer and comes out of his pocket?

The Farmers Union Terminal Association and other cooperatives are giving these profits back to the farmer and producer. That is why the chamber of commerce is squealing.

The marketing act may need improvement. If necessary, I would join with you and every other progressive forward-looking man in seeing that teeth are put into that law that will more fully protect the American farmer and producer.

The one institution that doesn't want that law improved is the Chamber of Commerce of Minneapolis and its allied gamblers.

They want the law repealed and destroyed. They want the people of this Nation to lose faith in that law so that they, and they alone, can continue to rob, cheat, and defraud the farmers and producers as they always have.

It is charged that salaries are "paid out of the so-called revolving fund." This is another falsehood and its only purpose is to injure the marketing act—to benefit the chamber of commerce.

No effort was made to show that the salary of Mr. Milnor was paid out of the revolving fund or that it comes out of the pockets of the taxpayers.

All they desired was to make the charge, have it broadcast and headlined through the newspapers, and then slink away and hope that the damage had been done, not by proving anything but by merely making a dishonest and unfounded charge.

This is in keeping with the conduct of every character assassin throughout all time. Only men who profit by fraud, only men who resort to dishonesty, would make such a charge. Who is it that profits by fraud? Who is it that profits by dishonesty? Who is it that has profited by unfair dealing? The Chamber of Commerce of Minneapolis and the grain gamblers of this Nation.

Now, Governor, what are the facts? Namely, this: The Farmers National Grain Corporation is a private corporation the same as any private corporation. It functions through officers, and in order to protect the interests of the farmer and the farmers' cooperatives who own and control the Farmers National Grain Corporation it must have men of experience, ability, and integrity, and they have such men at the head of that institution. Men who have defrauded no one but who have fought a decent, clean fight for the farmers. Their salaries are paid out of the profits they make and not out of the revolving fund.

WHO IS DOING THE COMPLAINING?

Is there anything wrong with such an institution? The only ones who are complaining are the chamber of commerce and the grain gamblers. They have been in the habit of taking all the profits and keeping them. Now, because a cooperative organization pays its officers salaries which are necessary in order to have the best men they can obtain to protect their interests, and then pay part of these profits back to the farmers and to the cooperatives, we find that the colossal thieves of the ages, the chamber of commerce and the grain gamblers, are whining and crying because they can not keep all the profits in their own pockets. They are crying and whining to high heaven because the farmers know that there is a profit in the handling of grain, and that, under the cooperative plan, the more liberal the laws are made the more those profits will come back to the farmer and producer. This is just what the chamber of commerce does not want. This is just why you have been compelled to sit here all these long weeks.

Let us turn to another charge, reading as follows:

"The declared policy of the Federal Farm Board is to make no loans to farmers or farmer elevator companies on their wheat who do not belong to or are not affiliated with its regional cooperative associations, such as the Farmers Union Terminal Association, the plan being to compel all producers, or their agents, to come into or be a part of its set-up and bound by its rules and regulations. The loan is made by the Farm Board to its national or regional association and by it to its members."

This statement is true, but the remarkable fact is that the very plan above outlined is what raised havoc with the grain gamblers. The policy above set forth and quoted is a good policy, and the Federal Farm Board should have the appreciation and support of every producer in the Nation for being big enough and fearless

enough to adopt such a policy instead of taking its orders from the grain gamblers and the Chamber of Commerce of Minneapolis.

That policy was for the purpose of breaking down a selfish monopoly in the handling of grain that has bled the farmers of this Nation out of their life's blood.

That is the policy the Farmers Union Terminal Association is fighting for, and every producer should support such a policy and should join this movement and uphold the hands of the officers of the Farmers Union Terminal Association, who are making this fight for the producers of this country. The grain gamblers and the Chamber of Commerce of Minneapolis are afraid that the farmers will realize and know the benefits which have already been obtained for the producers through the efforts of the Farmers Union Terminal Association.

EVERY FARMER SHOULD SUPPORT COOPERATION

Every farmer should join the Farmers Union Terminal Association without putting the organization to the expense of solicitation. The evidence brought out in this hearing should convince every farmer in this country that it is not only for his best interests but that it is his duty to join the Farmers Union Terminal Association and build up one great, powerful cooperative organization that will forever destroy the power of private monopoly and the citadel of privilege and give to the farmers that which is their right and for which they have been fighting for years—an honest, efficient, nation-wide marketing organization. If nothing else comes out of this hearing, you should be commended for having enabled the farmers to know what this fight is all about.

On page 5 of Relator's Complaint we find the following charge:

"The Farmers Union Terminal Association, regional agent of the Farmers National Grain Corporation, through M. W. Thatcher, its general manager and active officer in charge of its operations, and assisted by L. M. Abbey and their subordinates, have put into effect in this northwestern wheat-growing area certain illegal and fraudulent practices for the purpose of swelling the profits of the Farmers Union Terminal Association for the purpose of creating a large fund for the payment of salaries, bonuses, and commissions to certain of its officers and agents."

This charge has not been proven. What was its purpose except to benefit the chamber of commerce and the grain gamblers and to attack General Manager M. W. Thatcher, of the Farmers Union Terminal Association, and to destroy the faith of the farmers in a man who has given every waking hour of his time for the past 25 years in behalf of the cooperative movement?

The grain gamblers hoped to destroy the good name and reputation of Bill Thatcher, whose loyalty to the cooperative cause is known throughout the Northwest.

THE OLD GAME OF ATTACKING LEADERS

The Chamber of Commerce of Minneapolis and the grain gamblers would give a million dollars to ruin Bill Thatcher, and they have spent thousands of dollars spreading libels and lies against this man because they know that he is unpurchasable.

Throughout all of these years, while he has been fighting the battle of the farmers and the producers, he has been subjected to false indictments, to persecution, and through it all he has remained faithful and true to the cause of the producers and the toilers. This proceeding was inspired by McHugh in order to destroy a man who knows what this fight is about and who is able to whip the chamber of commerce.

WHEAT AND POLITICS

The charges made in this proceeding are on a par with the falsehoods and libels contained in a book entitled "Wheat and Politics," issued by one J. W. Brinton. The same purpose which actuated the writer of this book controlled the chamber of commerce in this proceeding.

When Eddie Hughes, the assistant secretary of the chamber of commerce, was on the stand he was asked this question:

"Have you ever read a book called 'Wheat and Politics'?"

His answer was:

"Yes; I have read it."

He was then asked:

"Do you know a man by the name of Henderson?"

And his answer was:

"No, sir. I don't know which Henderson you mean. I know a Henderson."

Counsel then said:

"The Henderson I mean is the man who went to Brinton and gave him \$2,500 for a thousand of those books."

How quickly counsel for the relator objected to this evidence.

Why was relator unwilling to let you know whether or not the chamber of commerce sent Henderson to buy these books?

Who else but the chamber of commerce would want a thousand copies of this trash?

It is a well-known fact that this book, issued by Brinton, has been sent to the managers of elevators all over this country and that statement after statement contained in this book refers to many of the charges set forth in relator's complaint.

The information upon which the charges in this proceeding were made was furnished to relator by the chamber of commerce.

Eddie Hughes tells us that he has read this book Wheat and Politics, and if he doesn't run out of the United States, he may some day have to tell the people that he furnished Brinton the alleged information against the Farmers Union Terminal Association which is contained in this book.

BINTON TRIED TO GET A JOB

Brinton, the man who wrote Wheat and Politics, is a personal enemy of Thatcher. During the summer of 1931 he hung around

the offices of the Farmers Union Terminal Association begging for work, and when he couldn't get it he went out to destroy the Farmers Union Terminal Association and to lie about the man who refused to give him a job.

He has been as willing in his book Wheat and Politics to lie about Thatcher and the Farmers Union Terminal Association as Weiss has been willing to perjure himself on the stand.

This man makes the statement in his book that "the Thatcher organization committed a crime against the farmers and defrauded them when it bought the wheat, or it committed a crime and defrauded the Government when it sold this wheat—and it probably did both."

The above statement is the most contemptible falsehood ever uttered. Even the chamber of commerce could not stoop as low as this. And if the chamber of commerce will ever dare to make a statement like this, they will pay to the Farmers Union Terminal Association a million dollars for libel. I dare the chamber of commerce to make that kind of a statement.

Of course, it can be made by a man who is not financially responsible and who would not be worth the cost of the paper necessary to sue him.

Only the grain gamblers can profit by the sending out of this book. Every farmer and every elevator man who has received a free copy of this book must know that somebody who has an interest in destroying Bill Thatcher and the Farmers Union Terminal Association is responsible for sending out this book.

THE ROGUE'S GALLERY

The chamber of commerce should hire Brinton and put him in the same office and in the same room with McHugh and Eddie Hughes. What a pretty picture this would make for the farmers to look at.

If I had my way, I would hang this picture in every elevator in the land and I would put under this picture:

"Here is McHugh, who was enjoined by the Federal Trade Commission because of his practices against the equity cooperative exchange.

"Here is Eddie Hughes, who fled the State to protect the chamber of commerce.

"And, ladies and gentlemen, in the middle I want you to look upon J. W. Brinton, the man who begged Bill Thatcher for a job and who, when he couldn't get it, wrote a book in order to destroy the men who are now making a success of the fight against the grain gamblers of the country."

The cooperative movement is born of the sacrifices, the heartaches, the tears, and the toil of the men and women on the farms and fields of America. It is for them that I am talking to-day.

It is for the farmers that the cooperative organizations are fighting and it is the duty of every forward-looking man and woman to help establish a great cooperative institution for the marketing of the farmers' products to the end that their exploitation shall cease forever in America.

It is because the grain gamblers fear that the cooperative movement will become more of a success that they are moving heaven and earth to destroy this movement in its beginning.

WILL THE FARMERS UNDERSTAND?

It is to the interest of the farmers and producers to realize that these false and libelous attacks against Huff, Thatcher, and Milnor, and the other men who are leading the cooperative fight are spread throughout the newspapers of this land for the purpose of destroying the faith of the farmers in the best friends they have ever had.

This proceeding before your excellency is but a part of the concerted, well-organized propaganda that is being spread throughout this Nation against the Farm Board and against the Farmers Union Terminal Association in order to break down and destroy the marketing act.

The farmers must not forget when they read these attacks in the newspapers or in books like Wheat and Politics that the only interest which can gain by destroying their faith in the cooperative movement is the grain gamblers who have millions upon millions to stake in this fight and who have made millions upon millions of dollars out of the farmers of this Nation.

This is a fight between the grain gamblers, with unlimited millions at their command, and the farmers and producers of this land, who can only win with the success and triumph of the cooperative cause.

This is propaganda and a scheme to destroy the faith of the farmers in the cooperative movement. If this can be accomplished, then the grain gamblers will be back in the saddle and the farmers will pay the bill.

No wonder that the chamber of commerce would spend thousands of dollars in getting information upon which this proceeding is based.

No wonder that Eddie Hughes ran out of the State.

No wonder that he has read Wheat and Politics and is familiar with it.

No wonder is it that he didn't know which Henderson it was or whether it was the man who paid Brinton \$2,500 for a thousand copies of the book.

We are not afraid of this contest, and in spite of all the newspaper attacks and the paid propaganda that have been spread through the land, if the farmers will get the facts they will stand firmly back of the men and back of the organizations that are fighting their battles.

If the Farmers Union Terminal Association and the cooperative organizations of this country are successful, it means once and

for all the end of grain monopoly. It means that plunder and privilege and looting and stealing from the farmers of this land will be forever at an end.

THE SPECIFIC CHARGES

We now come to the so-called specific charges of wrongdoing against the Farmers Union Terminal Association.

Charge No. 1 is as follows:

1. By charging its members and others a commission for the sale of grain when bought by itself for its own account.

The Farmers Union Terminal Association is a commission merchant under the Minnesota statutes and holds a license from the State of Minnesota as such.

Section 6204 of the General Statutes for 1927 reads:

"No person, persons, firm, or corporation, whether doing business in a chamber of commerce, board of trade, or elsewhere in this State, engaged in selling grain, etc., as commission merchant, or for others for a compensation in any manner, who shall hereafter receive or accept for sale for account of the consignor or owner thereof any such property, or who shall sell or attempt to sell or dispose of such property for account of such consignor or owner, shall hereafter be interested, directly or indirectly, as purchaser or otherwise than solely as the agent of such consignor or owner, etc."

Section 6205 provides that any person who shall violate any provisions of this act shall upon conviction be punished by imprisonment or a fine, and that their license shall be void and that they shall be disqualified for two years from obtaining a new license.

The Farmers Union Terminal Association has repeatedly violated this statute by charging a commission on the grain it has bought for itself and for grain it has bought for Farmers National Grain Corporation, whose agent it is.

This charge is false, and I would be inclined to say it was knowingly false. It is the charge of a crime against the Farmers Union Terminal Association, and if true the officers of the Farmers Union Terminal Association would have been long ago indicted.

This charge is the result of either abysmal ignorance or of cunning deceit.

It was broadcast through the land. It was headlined in the newspapers of the Northwest. Governor, what was its unholy purpose? Only one thing—to deceive and mislead the people. Whom, and whom alone, could it benefit? Only the miserable outfit who sponsored this proceeding, the Chamber of Commerce of Minneapolis.

THE OLD EQUITY FIGHT

The farmers of this country are well aware of the fact that the investigation by the Federal Trade Commission, made at the request of the Equity Cooperative Exchange, showed that in numerous instances cars of grain shipped by the farmers to Minneapolis were handled as many as 11 times by different commission firms and commissions or profits charged against the farmer's grain for every time it was handled by a commission firm.

Cooperative laws were passed in order to prevent this kind of a steal and to allow the cooperatives to keep control of the grain from the time it leaves the farmer's hands until it reaches the mill.

These laws were passed to put an end to the looting of the farmer. They were passed to make the grain gamblers quit their stealing.

The history of fraud and of dishonesty and of the looting of the farmers of the Northwest by the chamber of commerce is the very reason that section 6204, charged in relator's complaint, was enacted. It was passed in order to make the grain gamblers quit their stealing.

The Minnesota Legislature, in 1921 and 1923, passed laws specifically permitting a cooperative to sell grain to itself, and only in this way could the cooperatives carry out their program and benefit the farmer.

The above charge was dismissed at the very start of these proceedings, but the chamber of commerce had had the benefit of having this charge headlined in the newspapers and circulated all through the country for the purpose of poisoning the minds of the customers of the Farmers Union Terminal Association.

Charge No. 2 reads as follows:

2. By purchasing for itself grain shipped to it on consignment at less than the market price.

It not only buys grain itself and charges a commission, but in many instances pays the shipper 2 cents per bushel less than the prevailing market price on that day."

An attempt was made to prove this charge. Eddie Hughes, assistant secretary of the chamber of commerce, was on the stand as a witness. It was he who pretended to furnish the evidence on which this accusation was based. He could have been asked if he knew of any instance where the Farmers Union Terminal Association ever bought grain below the market price. Why was he not asked this question? The charge was not proven, but again it is well known that the chamber of commerce was the party interested in making such an accusation.

MORE PROPAGANDA

This dishonest attack had been broadcast over the Northwest, creating suspicion and distrust against the Farmers Union Terminal Association and the cooperative movement, but after weeks of taking up the time of the governor and of the railroad and warehouse commission, he closes his case, "We move to dismiss this charge."

We now come to charge No. 3, reading as follows:

3. By charging the local elevator a so-called "service charge" of three-fourths of a cent per bushel on each bushel of grain in a local elevator on which the farmer had secured a storage ticket, and by virtue of which had made a loan from the Grain Stabilization Corporation, through the Farmers Union Terminal Association when delivery of that wheat was called for by Grain Stabilization Corporation, and was deducted from amount due the local elevator for storage and handling of said grain.

In these cases Farmers Union Terminal Association performed no service whatever for the local elevator, and such deduction was illegal and fraudulent. Many of such deductions have been refunded on the insistence of the local elevator.

At the close of the evidence, relator's counsel also moved to dismiss this charge.

It was stated by the relator in the last paragraph of this charge that the Farmers Union Terminal Association performed no service whatever for the local elevator, and such deduction was illegal and fraudulent.

This is a serious charge if true, and if false it is a serious indictment of the good faith of relator.

It was a false charge. It was not proven. But mark you, governor, this charge had been broadcast throughout the land. The evidence clearly showed that a service was rendered to the local elevator; that work of a substantial character was done to protect the interests of the local elevator, and that the charge was made because the Farmers Union Terminal Association was a member of the Duluth Board of Trade, and that the board insisted on that charge being made by its members.

These charges were refunded to those who remained loyal to the Farmers Union Terminal Association and the cooperative movement after the Farmers Union Terminal Association had repeatedly requested the Duluth Board of Trade to allow it to do so.

And the evidence shows that the profits made by this service charge, as well as all the profits made by the Farmers Union Terminal Association, are and will be refunded to the farmers and to the elevator companies in dividends to the stockholders, both preferred and common, and in patronage dividends to the shippers of grain.

On the other side of this picture, what do we see? We see that the chamber of commerce and the grain gamblers belonging to the chamber of commerce make this same charge, but they keep the money. They pocket the cash, and none of it goes back to the farmers or the elevator company.

The chamber of commerce are squealing like a stuck hog because they can not steal it all and keep it all. They are whining because the farmer gets some of it back. They are crying because the people now know how the toilers are cheated.

This is private business without governmental interference! This is the freebooter's license to rob the producer to the limit of the law! The palatial homes in Minneapolis and Duluth of the grain gamblers of this Nation represent these profits, and in these homes you will find the farmers' daughters working as menials.

THEY TAKE BUT NEVER GIVE

In this winter of '31 and '32 there are tens of thousands of farmers on the frozen prairies of Minnesota, North Dakota, and Montana who had lost all of their crops through the scourge of grasshoppers and because of drought.

Those farmers have not sufficient to keep body and soul together.

They are without the funds to pay school teachers and keep their schools open.

Their sons and their daughters have had to leave home and come to the city and rap at the doors of the homes and the factories and the workshops, begging for work in order to try and get something to help the folks back home.

All this while, Governor, we can see in the palatial homes in the cities of Minneapolis and Duluth and Chicago the self-satisfied members of the chamber of commerce and boards of trade. They are enjoying themselves off the profits they have made from the toil and the work of the farmers of this Nation.

While these farmers are fighting to keep from starvation, the grain gamblers and their families are spending the profits out of this unholy system of exploitation in California and in Florida.

While the farmer is swinging his pitchfork the grain gambler is swinging his golf clubs.

While the farmer is begging for bread the grain gambler is drinking his highball.

While the little children of the farmers are denied the chance of education the grain gamblers are hauling their children with private tutors through the Southland.

In this emergency and while the grain gamblers are trying to wreck the Farmers Union Terminal Association, that cooperative organization has assisted in sending more than 200 carloads of food and clothing into these destitute areas.

Thousands upon thousands of overcoats, suits of clothing, dresses, overshoes, shoes have been packed into these cars through the efforts of the Farmers Union Terminal Association and sent into this stricken area to all farmers, regardless of their membership in the Farmers Union Terminal Association.

WHO PREVENTED US FROM GETTING FREE FREIGHT FOR DROUGHT RELIEF

Governor, you know that many of the members of the chamber of commerce are stockholders in the railroads of this country, and when the Farmers Union Terminal Association wanted to ship a carload of vegetables to the starving people of Montana they had

to pay for every carload that was shipped from \$350 to \$700 freight charges.

The men at the head of the Farmers Union Terminal Association have been devoting their days and their nights not to making profits but to spending the profits that have been made in order to give some relief to the farmers of the Northwest. This is the organization that you are asked to destroy. The employees and officers of the Farmers Union Terminal Association have dug down into their pockets until it hurt and contributed thousands upon thousands of dollars of their personal funds in order to help carry on this program to save the farmers from starvation and from death.

While the grain gamblers are trying to wreck the Farmers Union Terminal Association, this organization is right now grinding 50,000 bushels of wheat into flour and giving it free of cost to the starving farmers of the Northwest.

And while the Farmers Union Terminal Association has been fighting the fight of humanity, what has the chamber of commerce been doing?

Why, Governor, they have been spending thousands of dollars to wreck this organization and to vilify and traduce the good name and the reputation of men who are willing to give of their time and of their money in order to save the farmers of the Northwest.

The most disgusting spectacle I have ever seen is the picture of the fat and self-satisfied profiteers leveling their mud batteries at men who are devoting their time for human need.

If the thousands of dollars that have been spent by the chamber of commerce and the grain gamblers to destroy the marketing act and to wreck the cooperative movement had been used to feed the starving farmers of the Northwest it would have resulted in the saving of human life and the alleviation of human suffering for thousands of suffering humanity.

Now we come to another charge. Charge No. 4 reads as follows:

"4. Excessive and exorbitant handling charges on grain covered by farm storage loans. A charge of 8 cents per bushel was deducted."

The Farmers Union Terminal Association is a cooperative organization owned and controlled by farmers and producers, and, it is true, it made an 8-cent charge to the farmers who borrowed money on the grain stored on their farms.

This claim that the charge was excessive was not proven, and at the close of the evidence relator's counsel moved to dismiss it. He should have been fair enough to have stated to you that it was a proper charge, an honest charge, and one which no honest man could criticize.

You will remember how day after day was taken up in the presentation of this matter, in the refutation of this false charge, and in showing you the history of the loan program which was carried on by the Farmers Union Terminal Association. It was a work which would merit the approval of every forward-thinking citizen.

THE 8-CENT CHARGE

The 8-cent charge made to the farmer for this loan consisted of what? Interest for the entire period of the loan; delivery charges paid to the local elevator or paid back to the farmer, if he loaded the grain himself; the cost of insurance and bonds; the expense of field men to inform the farmers as to the benefits of the program; expense of broadcasting and of public meetings and of the issuance of the Farmers Union Herald, which contained information enabling the farmer to understand just what this 8 cents was for.

In this connection I quote from the Farmers Union Herald for November, 1929, the following:

"Question. When the Farm Board made its announcement that a hundred million dollars would be made available to cooperative marketing associations for the purpose of stabilizing wheat prices it was also announced that the basic price would be \$1.25 for No. 1 northern, basis Minneapolis, and \$1.12 basis Duluth.

"In your published table the basic prices used are \$1.17 for No. 1 northern and \$1.04 for No. 1 durum.

"Answer. Eight cents are set aside and held in reserve for marketing expense. No one could tell exactly what the marketing expense would be; therefore, the Federal Farm Board wanted the figure placed high enough so no losses would be sustained in getting the grain to market. This 8 cents per bushel is divided into two parts, so far as the Farmers Union Terminal Association is concerned. An allowance of 4½ cents is set aside for interest, insurance, operating, and sales expense. Three and one-half cents per bushel is set aside and held in reserve to be paid to country elevators to cover handling and loading costs. If the elevator ships the grain to us, the elevator will be allowed the 3½ cents per bushel. If the elevator does not ship the grain covered by storage tickets on which we advance money to the Farmers Union Terminal Association, the elevator will not be paid anything and the 3½ cents per bushel will be refunded to the grower.

"Q. Is the 8 cents which the Farmers Union Terminal Association allows for handling costs a 'fixed' charge?—A. No; it is merely estimated on a basis of safety. If we advance too much money to the grower, we will 'hold the bag' for the excess, so we have estimated costs on what we think is a fair margin. We guarantee that it will not be more; and if it is more, we lose."

Every farmer who made this loan knew all about this. This charge was approved by the Farm Board. It was not exorbitant but resulted in a loss to the Farmers Union Terminal Association.

Regardless of that loss, the Farmers Union Terminal Association is not complaining, because through this loan program they were able to get the farmers of the Northwest over \$10,000,000 on their wheat at the pegged price of \$1.25.

The farmer has not complained about this 8-cent charge because it benefited him and gave a service.

The evidence shows that the Farmers Union Terminal Association, in an effort to help the farmers through these times, inaugurated a loan program before the passage of the marketing act and were loaning money to the farmers up to approximately 70 per cent of the market value of their grain.

THE FARM STORAGE CALLS

The Farmers Union Terminal Association, realizing that the farmer was being robbed, started out in North Dakota and Montana to pass farm storage acts which would enable the farmer to store his grain on his farm and thereby save 1 cent per bushel per month. It took money to carry on this campaign, to get speakers, to hire halls, to pay for radio broadcasting, to meet the members of the legislatures of these States, and to pass these laws. This was a service rendered by the Farmers Union Terminal Association, and for that service they are entitled to the everlasting gratitude of every farmer in North Dakota and Montana.

The evidence of Mr. Thatcher clearly shows not only the fairness of the charge but the sincerity, the sacrifice, the effort, and the work that was performed by the Farmers Union Terminal Association in order to give to the farmers the benefit of this loan program.

WHAT THE FARMER PAID THE PRIVATE GRAIN TRADE

Before the Farmers Union Terminal Association and other cooperatives entered this field what did the farmer have to pay when he borrowed money on his grain? The farmer knows it was 8 per cent and more. He borrowed to the extent of 70 per cent of the market price of his grain and took a chance on that market price going down. If it went down, he pocketed the loss and the line elevators and the members of the chamber of commerce got their 8 per cent and got his grain.

Under his agreement with the Farmers Union Terminal Association, the farmer could not lose. He received a loan at the pegged price of \$1.25, and, after deducting freight and handling charges, if the grain was in Minot, N. Dak., he received approximately \$1 a bushel, even when the market price was 10 to 20 cents lower than the price he obtained.

If the price went up, he could sell his grain, pay the loan, and get the benefit of the raise in price. If the price went down, all that the Farmers Union Terminal Association could do was to take the grain and the loss was borne by the stabilization operations of the Farm Board.

Now, the Farmers Union Terminal Association borrowed 70 per cent or 75 per cent on this pegged price from the Federal intermediate credit bank and borrowed the rest from the Federal Farm Board and gave as security the storage tickets for the wheat, whether the wheat was on the farm or in the elevator.

This was a benefit to the farmer and to the local merchant in the Northwest, for the farmer could get his money and if the price went up dispose of the loan and take his profit, and if the price went down, he had borrowed, through the Farmers Union Terminal Association, the full market value of the grain and in addition thereto the pegged price. That money, Governor, through the efforts of the Farmers Union Terminal Association, to the extent of over \$10,000,000, was left in the Northwest, spent with local merchants in this time of depression.

Let me give you an example of what the situation of the farmer was before the Farmers Union Terminal Association and other cooperatives had entered this field. We have, for instance, an old line elevator at Minot, N. Dak., with a capacity of 30,000 bushels. The farmer brings in his wheat. He receives a storage ticket and he is charged 1 cent per bushel per month storage charges.

ROBBED OF MILLIONS

Thirty thousand bushels is a small capacity, and what happens? The elevator at Minot ships this wheat into Minneapolis to a member of the chamber of commerce and, without the knowledge and consent of the farmer, it is sold on the market. In this procedure we can assume that at least 300,000 bushels of wheat is annually handled in this way by this elevator. This is an illustration of how millions of bushels are handled on each crop and the farmers have been robbed out of millions of dollars by this practice.

The farmer had to pay 1 cent per bushel per month on all of this wheat, which was not in storage so far as the grain gamblers were concerned but which was in storage so far as the farmer was concerned. When the farmer's wheat was sold in Minneapolis, a 1½-cent charge per bushel was made against him. The money received from the sale was held in Minneapolis, deposited in the banks there, and when the farmer wanted some money on his storage ticket, he went to the local bank or elevator and invariably paid 8 per cent for money on a storage ticket. In addition to this, he was paying 1 cent per bushel per month for storage for wheat that was not in storage.

Before the Farmers Union Terminal Association obtained the passage of these storage laws and entered upon this loan program, the farmer's grain was sold without his knowledge or consent. The market was glutted and the price depressed. The money was kept in Minneapolis and other cities where the terminal markets were located to the credit of the commission merchant and the farmer was still charged 1 cent per bushel per month for the storage of this grain which had been sold. And then when he borrowed money he was charged as high as 8 per cent interest for borrowing his own money.

This condition still obtains and that is what the Farmers Union Terminal Association is fighting against.

After the passage of the farm storage acts in North Dakota and Montana the farmer could keep his grain on the farm, save the storage charges, and get the benefit of this loan program.

The testimony in this case shows that through the efforts of M. W. Thatcher, the general manager of the Farmers Union Terminal Association, a pegged price was obtained for wheat on the Minneapolis and Duluth markets of \$1.25 per bushel for No. 1 wheat, and that this was 7 cents more per bushel than in any other market, which was a recognition of the value and quality of the wheat raised in the spring-wheat region and which brought several million dollars additional profit to the farmers of the Northwest.

WHY THE PEGGED PRICE WAS LOWERED

This price which the farmer was receiving would have remained where it was but for the complaints made by the milling interests, who were members of the chamber of commerce.

No wonder they hate Bill Thatcher! No wonder they want to wreck the Farmers Union Terminal Association!

As a result of these complaints by the millers the farmers suffered a loss of 5 cents a bushel.

It is the old, old story that whenever the people pass a law which takes away from monopoly the privilege of making a profit out of the needs of the people they squawk to high heaven. Governor, when these laws were passed and these agencies put into operation it took away from the grain gamblers of the Nation the privilege of making a profit out of the needs of the farmers. It is the intent and purpose of these laws to forever take away that privilege from the grain gamblers, and that is why they are squeezing and hollering and resorting to the most contemptible methods ever known in the history of this Nation to discredit the marketing act.

Every law which has ever been passed which attacks privilege and which attacks monopoly in order to benefit the producers and the laborers has always met with the most vicious, dishonest, and unfair opposition of those who have that privilege and have that monopoly.

This was true when the parcel post law was passed, when the express companies had a monopoly and had a privilege of making a profit out of the needs of the people.

And for 20 years progressive men and women fought for the parcel post law, and for 20 years, through conniving, through fraud, through corruption of legislators, the express companies who had enjoyed this privilege opposed the passage of this law.

To-day every citizen realizes that while this law functions at the expense of the taxpayers of this Nation and that the expense comes out of the Treasury of the United States, that it is a benefit to the mass of people.

THE TRUE PURPOSE OF GOVERNMENT

The purpose of government is to serve the people and not private interests, and the fight that is being carried on now by cooperative organizations throughout this Nation is a fight against privilege, is a fight against monopoly, is a fight to take away from these monopolists the right to make a profit out of the needs of the people and to put these profits back into the hands of those who are entitled to them—the producers and the toilers of our land.

Every time an elevator or a farmer ships a carload of grain to the Farmers Union Terminal Association, the profits made from the handling of that carload of grain go back to the shipper in the form of a patronage dividend.

Every time he ships a carload of grain to the private grain dealers, any profit made in the handling of that grain stays in the pocket of the grain dealer.

The grain gamblers know that if they can injure and damage the Farmers Union Terminal Association and mislead the farmers so that they will not ship to the Farmers Union Terminal Association, that all of the profits made in the handling of this grain will be kept in Minneapolis, Chicago, or Duluth.

Every farmer who wants to increase his profits should ship his grain to the Farmers Union Terminal Association and help to build up an institution which will return hundreds of thousands of dollars in coming years to the farmers of the Northwest.

THE TWO PLUGGED CARS

We come now to charge No. 6, reading as follows:

"6. By 'plugging' cars of wheat and flax by putting 2 feet of screenings in the bottom of each car, the screenings being of no value."

The evidence shows that only two cars were so plugged. All that is necessary to say in regard to this is that the man who plugged these two cars was discharged by the Farmers Union Terminal Association, the man Weiss, the perjuror, the cheat, the fraud—the man who was sent to the Farmers Union Terminal Association by a member of the chamber of commerce.

The man who, when he was discharged, ran hot-footed to a member of the chamber of commerce, a brother of Senator Mullin. The man who then went to McHugh to give him an affidavit against the Farmers Union Terminal Association. And how gladly McHugh, the secretary of the chamber of commerce, received him into his arms.

We are conversant with the testimony of how these affidavits were drawn. We know they were inspired by McHugh and by members of the chamber of commerce.

We are fully aware of the perjury and brazen falsehood that was hurled into your teeth during these proceedings by this witness Weiss.

LAKEVILLE BLUNDER OF THE CHAMBER

And now we come to charge No. 7, reading as follows:

"7. By issuing illegal warehouse receipts at the Lakeville elevator."

No attempt was made to prove this charge. The making of it was a dishonest trick. It could benefit nobody but the chamber of commerce, and, after hearing the evidence in this case, you know that they are the parties who suggested it. Eddie Hughes, the vanishing witness, was the man who furnished this sort of testimony to Mullin and later admitted it was false, but still we find it in the charges. And when all the evidence is in, all we get is the bland statement that relator dismisses the charge.

Charge No. 8 reads as follows:

"8. By selling 20 cars of No. 1 Dark Northern wheat out of the Lakeville elevator, that warehouse receipts were outstanding on, that did not belong to it, and substituting inferior wheat therefor, and subsequently shipping out the inferior wheat under the warehouse receipts calling for No. 1 Dark Northern."

No evidence was offered to prove this charge. No attempt was made to establish it.

Who, Governor, could profit by the broadcasting of these charges except the chamber of commerce?

Who furnished this evidence? The answer is Eddie Hughes, the assistant secretary of the chamber of commerce. He furnished this evidence and later confessed it was false.

All of these charges which I have discussed were initiated by McHugh and by Hughes. They furnished the evidence, false as it was, which enabled relator and his counsel to broadcast the charges. I hope they deceived Senator Mullin. I know they deceived counsel for relator.

The reason that McHugh gave for drawing these affidavits and furnishing this testimony to Mullin and his attorneys does not ring true.

M' HUGH HAS FOUGHT COOPERATION FOR YEARS

He is the same man who was restrained by the Federal Trade Commission from pursuing his nefarious tactics against the Equity Cooperative Exchange, and the evidence shows that 80 per cent of the paid-up members of the Farmers Union Terminal Association were formerly members of the Equity Cooperative Exchange.

He is the man among others that the Federal Trade Commission found guilty of the most contemptible acts, some of which are as follows:

"By means of boycott and threats of boycott the said chamber and the members thereof conspired and agreed among themselves and with others to induce its members and others to refuse to buy from, sell to, or otherwise deal with the said Equity Cooperative Exchange, its stockholders, or the members of the St. Paul Grain Exchange. The said respondents (including McHugh and the chamber of commerce) for more than 10 years last past have been engaged in a conspiracy and agreement among themselves and with others to annoy, embarrass, and to destroy the business of the said Equity Cooperative Exchange, its stockholders, and the St. Paul Grain Exchange and its members, with the purpose and the intent of the said chamber, its officers and members, to secure and maintain for it and its members a monopoly of the grain trade at Minneapolis, Minn., and within a hundred miles thereof; that all these activities mentioned herein in these findings on the part of the said chamber, its officers and members, secured and retained for them a monopoly of the grain trade at Minneapolis and within a hundred miles thereof, and unduly hindered and restrained competition in interstate commerce between the members of the said chamber, on the one hand, and the said Equity Cooperative Exchange and its stockholders and the members of the St. Paul Grain Exchange, on the other."

And again the Federal Trade Commission found:

"The respondents (including McHugh and the chamber of commerce), between May, 1912, and May, 1917, with the plan and purpose of injuring and destroying the business of the said Equity Cooperative Exchange and the said St. Paul Grain Exchange, published, in trade and daily newspapers, false and misleading statements concerning their financial responsibility and the methods used by them and their officers and members in transacting business in grain."

Again, the Federal Trade Commission, in this proceeding against McHugh and the chamber of commerce, found that they had "falsely accused the Equity Cooperative Exchange of conducting a fraudulent transaction and of charging a shipper 'double commission' on certain carloads of grain shipped to said exchange by the 'Farmers Elevator Co., of Glenburn, N. Dak.'

With reference to this, the Federal Trade Commission further said:

"Upon investigation the Railroad and Warehouse Commission of Minnesota found and stated that no fraud had been committed by the Equity Cooperative Exchange or its sales agent, P. E. Cooper, in respect to such transaction."

Again, the Federal Trade Commission found:

"The respondent, John G. McHugh, as secretary of the said chamber, wrote other letters which were intended to destroy and which did injure the credit and standing of the Equity Cooperative Exchange with banks, farmers, and customers and the public generally."

As a result of this conduct, the Federal Trade Commission found that McHugh and the chamber of commerce "have committed acts to the prejudice of the public and competitors of respondent chamber and competitors of the members of respondent chamber and which acts constitute unfair methods."

This is the same McHugh who drew the affidavits in this case.

This is the same McHugh who furnished the evidence to relator and his attorneys to start these proceedings.

This is the same McHugh who is now trying to do to the Farmers Union Terminal Association exactly what he did to the Equity Co-

operative Exchange—to ruin it by false and dishonest charges and propaganda.

Why did McHugh have Hughes collaborate with Mullin and his attorneys in the preparation of these false charges?

Why did they spend thousands of dollars in hiring men and in taking photographs?

And why, Governor, was it necessary for them to pass these things on and give them to Mullin and his counsel in order to start these proceedings?

There could be only one purpose and that was to destroy the Farmers Union Terminal Association.

Why did McHugh refuse to give to the Railroad and Warehouse Commission the affidavits which he had drawn?

The same methods, the same underhanded trickery, the same sneaking around and using others to do his dirty work has been used by McHugh in bringing about this proceeding as was used by him in destroying the Equity Cooperative Exchange.

There can be no doubt in any man's mind that the chamber of commerce, and it alone, is responsible for the drawing of the false affidavits which are relied upon in this proceeding to ruin and destroy the Farmers Union Terminal Association.

ELEVATOR "M."

Now, we come to elevator "M." The charge is contained in paragraph 5 on page 6 of the complaint, and it reads as follows:

"5. By tampering with wheat inspection samples in substituting No. 1 dark northern wheat in the samples in place of No. 2 and No. 3 wheat contained therein, and thus securing a false inspection report upon which false warehouse receipts were issued, which it sold to and borrowed money from the Grain Stabilization Corporation, thus defrauding the taxpayer."

"To illustrate: On March 28, 1931, at elevator 'M' in Minneapolis it had 320,748 bushels of No. 1 dark northern wheat and 723,656 bushels of 29 different varieties of inferior wheat.

"During the month of April it had this wheat regraded and reinspected, and its employees, acting under orders of L. M. Abbey, superintendent of terminals, changed the samples and secured a regrade of No. 1 dark northern for all of this wheat so that on May 2, 1931, without any wheat having been shipped in, its report showed 1,042,741 bushels of No. 1 dark northern on hand in elevator 'M.'

A mere statement of the above shows its utter dishonesty. The relator charges that the taxpayer was defrauded. This is an absolute falsehood. As these proceedings progressed, it must be apparent that the relator is more interested in his brother, a member of the chamber of commerce, than he is in the taxpayers. He has taken up the time of the governor of this State for several weeks, taken you away from your duties, and taken up the time of the railroad and warehouse commission, and taken them away from their duties without any thought of the taxpayer.

In brief, the charge is that the Farmers Union Terminal Association tampered with the samples when the wheat was run in April, 1931. One fact stands out in this case: That the purchaser was not defrauded and is not complaining and that the taxpayer has not been defrauded and is not complaining.

WEISS, THE PERJURER

The miserable charges made by Weiss as to the tampering with the samples was first made in the Chamber of Commerce of Minneapolis.

The affidavit signed by Weiss, which McHugh said Weiss would not sign until he got some one to corroborate him, was signed in the chamber of commerce, and, mark you this, Governor, the affidavit was signed by Weiss without anybody to corroborate him.

Let us analyze these proceedings. Weiss is discharged by the Farmers Union Terminal Association, and the first man he goes to is Mr. Mullin, a brother of the senator and a member of the chamber of commerce. The next man he goes to are Eddie Hughes and McHugh, who represent the chamber of commerce. All he claims is that the samples were changed.

When under oath before the railroad and warehouse commission he testified that he did not change any of the samples, but that Anderson, the superintendent, was the only man who changed the samples.

When he was under oath before the governor of this State he first testified that he did not change any of the samples, and then, in order to bolster up this case, he also testified under oath that he himself changed some of these samples.

In order to fasten this ridiculous charge upon the Farmers Union Terminal Association, Weiss states that in March, 1931, he had a talk with Mr. Abbey, the terminal superintendent of the Farmers Union Terminal Association, but all he claims is that Mr. Abbey told him to run the wheat in elevator "M" for No. 1 wheat. He further states that Mr. Abbey called him into a private room and gave him certain secret instructions.

The testimony of three reputable men shows that Weiss was perjuring himself with this line of testimony. Mr. Abbey, the terminal superintendent of the Farmers Union Terminal Association, testified that he never had any such talk with Weiss and that all he told him to do was to run the elevator for No. 1 wheat.

Abbey's statement is corroborated by the testimony of Mr. Barry and Mr. Googins, neither of whom has any interest whatsoever in the outcome of this proceeding. Both of them stated to you under oath that Weiss never left the room during this talk with Abbey or ever went into a private room with Abbey.

Weiss's testimony last June before the railroad and warehouse commission and his testimony before you in this proceeding stamp him as an unmitigated liar, and the testimony of these reputable men further proves that he is nothing but a perjurer;

and with Weiss proven to be a perjurer the main bulwark of this case has fallen like a house of cards.

The chamber of commerce, who is responsible for starting these proceedings, fully realize that if Weiss is believed, that it is evidence of a crime.

Men are governed by motives, your excellency, and where there is no motive for doing an act, reasonable minds realize that those who charge such an act usually state a falsehood.

When the question of the weigh-up of elevator M was first suggested by Mr. Abbey, the terminal superintendent, it is admitted that he wanted to run the elevator and weigh and grade this grain car in the usual way, and in the doing of which there was an utter impossibility of tampering with the samples. It was Weiss, the perjurer, who suggested to Abbey that the grain should be run by building a hopper on the track scale. It must be apparent to you that this gave Weiss the opportunity to build up the false testimony he has given in this case.

Under oath Weiss tells you that Abbey never asked him or suggested to him to tamper with the samples or to in any way impair the integrity of this grain. All the wheat in elevator M was easily made into No. 1, and the only motive that can be drawn from such conduct on the part of Weiss and of McHugh is that Weiss was the willing tool of the chamber of commerce.

EVERETT, THE OTHER CHAMBER TOOL

The only other evidence upon which this case was founded was the testimony of one Everett. These proceedings have developed that Everett was formerly an employee of the chamber of commerce; that a member of the chamber of commerce sent him to the Farmers Union Terminal Association where he was given employment; that after the Farmers Union Terminal Association had discharged Everett from their employ, Everett went to the chamber of commerce offices and there gave an affidavit which was dictated and drawn for him by McHugh and Eddie Hughes, which affidavit was used with Weiss's statement to institute these proceedings.

After Everett had given this alleged evidence to the chamber of commerce he was employed by the chamber of commerce, and right now is one of the chamber's trusted and honored employees.

It is an old trick of conspirators throughout history to plant men inside of an organization which they want to destroy, and the evidence clearly shows that both Weiss and Everett were gotten into the Farmers Union Terminal Association for no other purpose than to bore from within and to make trouble for the cooperative.

Now, Everett's testimony does not claim that any samples were tampered with but he makes the ridiculous statement that the stream of wheat was split in order to make No. 1 wheat, but the evidence shows that this was a physical impossibility in the construction of the elevator.

Any intelligent man realizes that the cutting of this stream could not benefit the Farmers Union Terminal Association.

Who could conceive of such a thing except a fraud and a cheat?

Without anything to be gained by such a proceeding you are asked to believe the testimony of Everett in this regard, the same man, Governor Olson, who was sent to us by a member of the chamber of commerce and who is now in the employ of the chamber of commerce.

As lawyers we know that men are controlled by their association and the fact stands out in this case that the association of Weiss is constantly with the chamber of commerce.

No one could gain by the making of such a charge except the grain gamblers, and these charges bear a striking similarity to what was done by McHugh and his associates when they were restrained by the Federal Trade Commission from pursuing such tactics.

Further refuting the testimony of Weiss we have Mr. Anderson, the superintendent, who was on the stand here, a man of unquestioned integrity who has no personal interest in this lawsuit. Anderson testified that he never tampered with a sample and he is corroborated by Mr. Kamb, another man of integrity.

In other words, we have the sworn statements of five witnesses showing the utter unreliability of Weiss, the main witness for the chamber of commerce in this case.

WEISS'S CONTRADICTIONS

Let us analyze the testimony of Weiss. The first time he was under oath was when he made an affidavit in the office of the chamber of commerce and there he states, under oath, that he told Abbey that he would take the samples. On cross-examination here he admitted that he never talked to a single State man about the taking of the samples; that he always knew that State employees took the samples and that no State employee ever told him that they would not take the samples.

In his affidavit he states the samples were taken by Anderson, elevator foreman, and that Anderson placed the samples in sacks furnished by the State inspection department.

When these affidavits were obtained the railroad and warehouse commission upon learning of it asked McHugh, of the chamber of commerce, to come over to them and present these affidavits, and he refused. They had to subpoena him, and then he came as he did, as a witness before you with a lawyer. He then delivered copies of these affidavits to the commission and they called Weiss before them, and there Weiss testified under oath:

"Q. You are familiar with this affidavit that you made?—A. Yes, sir.

"Q. How did you come to make that?—A. One of the chamber men asked me how the Farmers Union was getting by. I told him I wouldn't lie for them or anybody else."

Why was a member of the chamber of commerce interested about the Farmers Union Terminal Association? Why did he want to know how they were getting along? What does that mean to the average man?

And then Weiss testified:

"Q. Who asked you?—A. Eddie Mullin."

This is the brother of Senator Mullin.

And then this man Weiss, under oath, testified before the commission:

"The State man caught a sample and put it in the basket by the pit."

When a witness here he testified that the State men never caught a single sample. When are you going to believe such a man?

Again he testified before the railroad and warehouse commission as follows:

"Commissioner LAURISCH. Wouldn't the State weigher catch any of the run himself?

"A. Yes; he caught it all."

Again, he testified before the commission:

"Q. Who drew up the affidavit?—A. The secretary of the chamber.

"Commissioner LAURISCH. McHugh's assistant?

"A. No; McHugh himself."

When he was under oath here he testified that McHugh did not draw the affidavit; that he drew it himself; and that McHugh had nothing to do with it. It is upon the testimony of this monumental liar, and upon his testimony alone, that you are asked to make a finding against the Farmers Union Terminal Association.

Again, Weiss was asked:

"Commissioner LAURISCH. Then the Grain Stabilization Corporation, through this manipulation of these samples, got a quantity of grain as No. 1 dark northern which, as a matter of fact, is not according to your judgment No. 1 dark northern?

"A. Yes, sir.

"Q. Did you advise them of that fact after you got into trouble with Abbey and quit?—A. No, sir.

"Q. Why not?—A. I didn't think it was necessary.

"Q. Didn't you think it was just as necessary to tell them as it was to tell the chamber of commerce?"

Governor, what was his answer? Here it is. I quote:

"A. I thought the chamber would take care of that."

Why should there be in the mind of this man the idea that the chamber would take care of it unless they had made a deal with him? What was the urge which prompted him to tell the commission that the chamber of commerce would take care of that?

Yes; he thought the chamber would take care of that just as they took care of the Equity Cooperative Exchange.

Wouldn't you like to know the talk that took place between McHugh and Weiss before he came to the conclusion that the chamber would take care of the Farmers Union Terminal Association?

The same man, McHugh, of the chamber of commerce, who inspired the fight against the Equity Cooperative Exchange, is the man who initiated and was the moving power back of this proceeding.

Again, Governor, this question was asked Weiss:

"Q. What reason could you give us for not notifying me, if I should happen to be the buyer or the party who was going to get this doctored grain? I can see easy enough from your point of view why you didn't say anything about it while you were an employee, but after you were let out I don't see why you should not want to protect the buyer?"

Governor, what was the answer? Here it is. I quote:

"A. I thought the chamber would take care of that."

And then this question:

"Q. You mean you thought they would take care of Abbey?"

And then this answer:

"A. You can put it that way."

This is his testimony before the commission, Governor.

The next time we meet with Weiss he is again under oath here, sworn to tell the truth, the whole truth, and nothing but the truth, and what does he say?

He denies under oath that he ever stated that McHugh drew this affidavit. Why did he do this, Governor? Was he trying to protect McHugh and the chamber of commerce?

At one time or the other he lied, and lied deliberately. He lied under oath when he told you that McHugh did not draw the affidavit, because, Governor, when we had Mr. McHugh, the secretary of the chamber of commerce, on the stand, after hours and hours of questioning, he was forced to admit that he drew every word and every paragraph of the affidavits of Weiss and Everett.

Before you Weiss denied saying that he told Eddie Mullin he wouldn't lie for the Farmers Union Terminal Association or anybody else. Before the commission he says he did make that statement.

Before you he testified that the State men never took a sample. Before the commission he told them that McHugh drew the affidavit; before you he says, "McHugh had nothing to do with it."

Before the commission he testified under oath that he thought the chamber would take care of it. Before you he testified, also under oath, that he never said anything of the kind.

It is upon the testimony of this perjuror, and on his testimony alone, that you are asked to find evidence of wrongdoing on the part of the Farmers Union Terminal Association.

STATE MEN ALL AGREE ON TESTIMONY

There have been upon the stand some six or eight men employed by the railroad and warehouse commission, each and every one of whom say that they took these samples; that there was only one basket there instead of two, as Weiss testified; that these samples were never mixed or tampered with. These men have served the State for the past 20 to 30 years as weighers and as inspectors. They are clean-cut, honest men, and against them is only the testimony of Weiss, who can not be believed under oath.

In addition to this, there is the testimony of Anderson, the superintendent, that he never mixed a sample or in any way tampered with them.

Now we come to a more important matter. Men may lie and men may be mistaken, but circumstances can not lie. When the first run was made in April, 1931, every sample was taken by the State men or under their direction and every bushel of wheat in the April run graded No. 1 and the average test weight was 58.383 pounds.

There was shipped into elevator M from May 7 to July 28, 1931, 260,000 bushels of wheat. The testimony is undisputed that its average test weight was 58.5 pounds. This grain was put in the top of the tanks. From May 2 to July 18 there was shipped out of elevator M 150,000 bushels of wheat, and the average test weight was 58.5 pounds.

WHEAT IN AND OUT OF THE ELEVATOR

Then this significant fact: From July 29 to August 4 there was also shipped out of elevator M 155,000 bushels of wheat of an average test weight of 59.1 pounds. Would any one with average intelligence, if he had tampered with samples in order to make 57-pound wheat weigh 58 pounds before delivery, ship out 155,000 bushels of wheat weighing 59.1 pounds?

What I want to emphasize is this: If the Farmers Union Terminal Association knew they did not have 58-pound wheat, they never would have shipped out 155,000 bushels of wheat that averaged 59.1 pounds to the bushel.

After the April run was closed and storage tickets issued, on May 4 this grain was sold to the Farmers National Grain Corporation. Following this the Grain Stabilization Corporation became the owner of these storage tickets. These storage tickets do not provide for the delivery of the identical grain but for the delivery of grain of the same kind and grade.

When the commission learned of these charges they demanded from McHugh the affidavits of Weiss and Everett. McHugh refused to produce them until compelled to do so by a subpoena. Then he appeared with his lawyer just as he did at this hearing. The only men I have ever known who carried their lawyers with them had something to conceal.

Then, to preserve the identity of the grain, the 12 tanks in question were sealed and three men, working on 8-hour shifts, were placed on guard to see that not a single bushel of that grain was tampered with.

This continued until July 28. The seals were then removed by the railroad and warehouse commission on the advice of the attorney general of this State.

The following morning, July 29, three men employed by the Grain Stabilization Corporation, the buyer of this wheat, were there when the August run commenced. Every bushel of wheat in that elevator was run tank for tank and samples were taken from the belt as the wheat came from the tanks by these three men before the wheat could be run or cleaned or in any other way tampered with.

The undisputed evidence shows that the average test weight of every bushel of wheat in the tanks under question was 58.15 pounds. Who should be more interested in the weight and quality of that wheat than the buyer, the Grain Stabilization Corporation?

Here is a significant fact in this testimony that must not be overlooked: When the Grain Stabilization Corporation inspectors were there they took samples every 15 minutes from the belt as the grain came from the tanks. When they found the grain running light, or under 58 pounds, they took samples every five minutes. That means that when grain was running over 58 pounds they would only take one sample every 15 minutes, but when it was running below 58 pounds they would take three samples in 15 minutes, which necessarily reduced the average. In spite of all this the record shows without dispute that the grain averaged 58.15 pounds.

Experts have testified that when samples are taken from the belt before the grain is dry it will weigh from three-tenths to five-tenths of a pound per bushel lighter than its real weight. The undisputed testimony of Mr. Storch, of the Grain Stabilization Corporation, shows that the scale upon which the tests were made by him and the two men working under him averaged three-tenths of a pound a bushel less than the State scales. These two circumstances clearly indicate that the weight of the wheat in elevator M sold by the Farmers Union Terminal Association to the Grain Stabilization Corporation actually weighed nearer 59 pounds per bushel than 58 pounds.

In addition to the testimony of the inspectors for the Grain Stabilization Corporation, who purchased the wheat, we have the evidence of the State inspectors and State weighers who inspected every bushel of this wheat, car by car, and their tests show that the average test weight of this wheat was 58.375 pounds. Every bushel of this wheat was run into the cars and tested and probed from ten to fourteen times, and shows that there was not a bushel of wheat in this elevator that was not No. 1 wheat.

Every bushel of wheat is tested and weighed by the State men when it comes into an elevator. Colonel Wilkinson testified that after the question was raised as to the integrity of these storage tickets he had an analysis made from the records and samples of every bushel of grain that came into elevator M from the day it was opened until March 31, 1931, when this wheat was run for grade, and that from that analysis he was satisfied that there was enough grain in that elevator in quality and weight to fulfill and satisfy every storage ticket issued against the grain.

He further testified that these 12 tanks were run and tested by the inspectors of the buyer, the Grain Stabilization Corporation, by taking samples at the mouth of the tank on the belt just as he had insisted it should be done all the time.

WHAT THE OFFICIAL TESTS SHOW

We have tabulated each of the tanks in question with the April weigh-up, the cold samples taken by the purchaser at the mouth of the tank, and the official test by the State, and they read as follows:

	The April weigh-up	Cold samples taken at August weigh-up	Official test by State and Federal inspectors at August weigh-up
Tank 103	58.5	58.3	58.8
Tank 104	58.3	58.7	59.15
Tank 105	58	58.1	59.01
Tank 106	58.5	57.8	58.8
Tank 107	58.3	57.8	57.77
Tank 108	58.2	58	58.87
Tank 109	58.5	57.95	58.78
Tank 111	58.4	58.4	59
Tank 112	58.5	57.4	58.69
Tank 113	58.5	58.5	59
Tank 114	58.2	57.9	58.775
Tank 116	58.7	59	58.84
Average weight per bushel	58.38	58.15	58.87

No other testimony should be needed to convince anyone that the testimony of Weiss and of Everett is unqualifiedly false.

It clearly appears that the Farmers Union Terminal Association, instead of defrauding anybody at elevator "M," more than fulfilled the requirements as to the quality and weight of this wheat.

The Farmers Union Terminal Association has been guilty of no misconduct. The purchaser is not complaining. The buyer raises no question. How miserably relator has failed in his attempt to destroy the cooperative movement!

In the minds of many people there arises the thought that if in an elevator there are half a million bushels of wheat grading No. 1 which may weigh 59 pounds to the bushel and half a million bushels of wheat grading No. 2 because it weighs 57.5 to the bushel that a miracle must be performed in order to make a million bushels of No. 1 wheat. The best answer to that is the testimony of this man Weiss, whom we forced to tell the truth when he said:

"Q. Was that the common practice in the Soo elevator to mix grain to make No. 1?—A. When they load under warehouse receipts they did.

"Q. In other words, a warehouse receipt would be issued by this elevator for so many bushels of No. 1 wheat?—A. Yes, sir.

"Q. At the time they were issued there probably would not be as much No. 1 wheat as No. 2 wheat, but there would be enough to make the weight?—A. Yes, sir.

"Q. That is the common practice in any elevator?—A. Yes, sir.

"Q. There is nothing wrong with that?—A. Perfectly legitimate."

In other words, the public should know that when half a million bushels of wheat weighing 59 pounds is mixed with half a million bushels of wheat weighing 57.5 pounds, that the total million bushels will weigh more than 58 pounds to the bushel and is No. 1 wheat.

There is nothing mysterious or miraculous about it. It has always been done and always will be done. This does not require a State senator, in a mad desire for publicity, to get the magician Thurston and go down to elevator M and there have his picture taken with Thurston and, with a silly grin on his face, ask this kind of a question, "How can 720,000 bushels of low-grade wheat become 720,000 bushels of No. 1 dark northern overnight in elevator M with records showing that no new wheat was brought into the elevator?"

When counsel for relator realized that they had fallen down and that no one could believe the testimony of Weiss, we then find them changing front and claiming that after the Farmers Union Terminal Association had sold this wheat to the Farmers National Grain Corporation that you should remove the commission because it allowed the public terminal elevator license to be canceled.

The commission could do nothing but that, your excellency.

THATCHER'S STATEMENT

Mr. Thatcher in his statement before you, among other things, said:

"The representatives of the Stabilization Corporation, the Farmers National Grain Corporation, and the Farmers National

Warehouse Corporation were together in St. Paul at the time this matter was discussed as to how the purchaser of the elevator M facilities could become a public warehouseman so that the new warehouseman could issue the regular legal warehouse receipt to replace the one that had been canceled—the actual legal mechanics it had to go through in order to do this thing. Also the question of this grain that was in the house, as to its quantity and character. Those were the things that were involved, and all of the parties wanted to know that. The Farmers Union Terminal Association wanted it, the Stabilization Corporation wanted its receipts, and the new warehouseman wanted to know all of those things; and the only way we knew to determine what was in the house was to weigh it so the new purchaser would be in a position to become a public warehouseman and be in a position as such to issue regular Minnesota warehouse receipts to the Grain Stabilization Corporation. That wasn't decided in five minutes; we had to get information what the law was, what the mechanics was. To us there was nothing mysterious about it. We knew those were the facts and the law.

"I want to state that the officers of the three institutions—four, I should say—the Farmers Union Terminal Association, the Grain Stabilization Corporation, the Farmers National Warehouse Corporation, and the Farmers National Grain Corporation, were all in attendance, as I recall it, were all aware—nobody was being deceived; there was no need of policemen of the State to protect the buyer or the owner of the warehouse receipts—that is to say, they were all there, all engaged in trying to do the thing in an ordinary, businesslike manner, to check out the old owners and check in the new owners and get these warehouse receipts to the Grain Stabilization Corporation—these public-warehouse receipts—to them just as quickly as possible; and these were the steps we understood we had to take in order to qualify the new owner as a public warehouseman, so he could issue the warehouse receipts."

When we intervened in this case we made the following statement:

"Now comes the Farmers Union Terminal Association and asks leave to intervene in this proceeding and states to your excellency that this proceeding is a conspiracy on the part of the Minneapolis Chamber of Commerce and the private grain interests of the Northwest to destroy the farmers' cooperative movement and to injure the Farmers Union Terminal Association."

And again we said:

"Your petitioner states that said proceeding is not made in good faith; that the relator, State Senator Gerald Mullin, is not now and has not at any time been interested in the farmers' cooperative movement; that a brother of said Senator Mullin is a member of the Chamber of Commerce of Minneapolis, and that he, along with other officials of the chamber of commerce, has aided and abetted in the plan and scheme to destroy the confidence of the people in the Farmers Union Terminal Association and in the farmers' cooperative movement generally; that the Farmers Union Terminal Association specifically denies the charges contained in the complaint of said relator, and avers that they are made in bad faith and that said Senator Mullin never at any time hoped to secure any order from your excellency for the removal of any member of the railroad and warehouse commission."

We have proven that the chamber of commerce is back of this proceeding, that they initiated it, and that they alone are responsible for it. The very fact that the chamber of commerce is interested ought to put the public on guard. This organization has never stopped at anything in order to destroy the cooperative movement or to rob the farmers of this country.

WITNESSES COMPARED

Many witnesses have appeared before you in this proceeding. Let us compare some of them.

I bring before you the witness Weiss. He was sent to us by a member of the chamber of commerce, and stranger things have happened than the fact that the chamber of commerce would send a man in to destroy the cooperative movement. Before you stands a man who was discharged for drunkenness and misconduct. When he leaves the employ of the Farmers Union Terminal Association, where does he go? He goes to the Chamber of Commerce of Minneapolis. What does he do there? He signs an affidavit drawn by McHugh, secretary of the chamber of commerce.

Then we see him before the railroad and warehouse commission testifying under oath.

Then we see him before your excellency, again under oath. In each and every instance we find that he is an absolute falsifier and perjurer.

The thought has occurred to me that when Senator Mullin took his oath of office as a senator he swore to uphold and enforce the laws of the State of Minnesota, and sitting here before your excellency and before the senator was a man who was a downright perjurer. Have you heard of the senator seeking to bring this fraud to justice? He has sat here and attempted to justify the testimony of the perjurer Weiss.

In contrast to Weiss, we have Mr. Storch, of the Grain Stabilization Corporation. It was his duty to see that every bushel of wheat delivered to his employer, the Grain Stabilization Corporation, was 58-pound wheat.

There was no motive for him to deceive, lie, cheat, or defraud. He was an honest employee who made the tests and watched this wheat as it came bushel by bushel out of these tanks, and testified before you, without contradiction, that every bushel weighed more than 58 pounds.

Which of these men would you want to believe? An admitted perjurer or a man against whose integrity not a word has been raised?

Let me paint another picture. In this case, in spite of himself, there has been dragged in Mr. McHugh, the secretary of the chamber of commerce. He didn't want to come here. When he came he came with a lawyer. He was on the stand, and I asked him if he knew Morin. With a simplicity that belied his countenance, he answered, "Yes; he used to work for us."

Then there was dragged out from Mr. McHugh the fact that the testimony and the records upon which this proceeding is based were drawn up and furnished by Morin to the chamber of commerce.

It was revealed that the chamber of commerce paid more than a thousand dollars to Morin. Every bit of Morin's work was turned over to Mr. Mullin for the purpose of destroying the Farmers Union Terminal Association.

CONSPIRACY PROVEN

This shows a conspiracy of the rankest sort. This man McHugh for years has been the moving power against the cooperative movement. It was he who was enjoined by the Federal Trade Commission for his practices in fighting the Equity Cooperative Exchange.

It was he who dictated the affidavits of Weiss and Everett. Many people believe it was he who arranged for Mr. Hughes to run out and away from the governor of this State. Every effort of his life has been against the cooperative movement and against the farmers of the Northwest.

He recognizes his master, the chamber of commerce, and is a faithful servant. Do you think for an instant that when he testified under oath that he did not know where Mr. Hughes, his assistant, was that he told you the truth? As he sat here and fawned before counsel for intervenor there was present in his face and in his soul the consciousness of guilt.

What, I ask you, when the end of the road is reached, can anyone say for McHugh, of the chamber of commerce?

Where has he ever been known to do anything for the cause of the common mass of people?

His whole life has been a life of selfishness, of intrigue, of conning against every effort that has ever been made to give the farmers of the Northwest decent treatment and economic justice, and it is such a man, the secretary of such an institution, that has been willing to hide behind Senator Mullin in an effort to put across this kind of a deal. It is this man who asks the Governor of Minnesota to destroy the marketing act.

In contrast to McHugh we have M. W. Thatcher, general manager of the Farmers Union Terminal Association. Here is a man who has devoted his life to the cooperative movement. All his efforts have been directed in behalf of the farmers and producers of this country. He was upon the stand for days at a time, and every word of his testimony, in my opinion, is believed by your excellency.

During all of these proceedings he has thrown open his books, his records, everything at his command, in order to enable your excellency to get at the truth. Honest men do this, but dishonest men hide the facts and dishonest men run away from testifying.

Through his efforts as head of the Farmers Union Terminal Association, during these times of depression, every preferred stockholder of the Farmers Union Terminal Association has received 8 per cent on his stock, and in 1931, 20 per cent of the preferred stock was retired, bringing to the farmers of the Northwest tens of thousands of dollars. There has been paid back in patronage dividends thousands of dollars to the farmers of the Northwest. The record of the Farmers Union Terminal Association for the last three years is a record that any man could be proud of, a record of service to the people, a record of sacrifice and of work in order to build up the cooperative cause and make it a success.

It is M. W. Thatcher against this man McHugh, and I welcome you to take your choice.

On the one hand, we have a man whose record is one of service to the people. On the other hand, we have the record of a man who sat upon the stand and with fishy eyes looked out upon the audience and every word he uttered and every syllable he stuttered was in an effort to prevent you from finding out that the chamber of commerce was back of this deal.

Somehow or another I feel that men who sacrifice and work for the common welfare of the mass can be trusted better than those who work for private interests.

Somehow or another I feel that the cooperative movement ought to have the help of the progressives of this Nation. I am sure that these proceedings will result in great good, because they have already convinced the people of the Northwest that the chamber of commerce is back of this deal. This is one of the most dishonest efforts ever made to destroy confidence in public officials and in laws enacted for the public welfare.

HUGHES'S PHOTOGRAPH

Now, I want to draw another picture and it is of Eddie Hughes, the assistant secretary of the chamber of commerce.

Judas Iscariot would be a saint and Benedict Arnold a blessed memory compared to him.

We have not been able to get Mr. Morin, who ran out on us. He was employed and paid over a thousand dollars by the chamber of commerce to get the very information which was handed over to relator and his counsel to start these dirty proceedings. Where he is I do not know. When Mr. McHugh was on the stand we find that he hid behind Eddie Hughes on the hiring of this man Morin.

We then asked McHugh where Hughes was, and what was his reply? "He is away on his vacation and will not return until the Monday after the first of the year."

We then sought to find Hughes.

On the night before Christmas, Hughes came back to Minneapolis and was served with a subpoena. For days he had been in a hotel at Eau Claire, Wis., not taking a vacation but hiding because he was afraid to testify in this case. On the stand he admitted that he ran out of the State of Minnesota in order to avoid testifying.

Then, with as corrupt a heart as ever poured forth fraud and dishonesty, he tells us that the reason he didn't want to testify was because he did not want to embarrass Ed Johnson and Probstfield, two employees of the railroad and warehouse commission. Both of these men testified that what he said was a falsehood and a lie.

In order to protect the chamber of commerce Hughes was willing to lie. He sat upon the stand for half a day and testified that just before Christmas time, the most sacred day of the year, he would be with them.

He testified that while he was at Eau Claire, Wis., he called up the janitor of the chamber of commerce, and then, under oath, said that Mr. McHugh did not know where he was and that his wife and children could not have found him. In all the annals of jurisprudence and all the trials that have ever occurred, a more monumental liar has never been discovered.

He was willing to injure and malign two men in the employ of the railroad and warehouse commission to protect his master, the chamber of commerce. This man should go down in history as the most ridiculous liar that has ever appeared in any proceeding.

So ridiculous was his testimony that your excellency took up the questioning of this man, and the following occurred:

"Governor OLSON. If Mr. McHugh, during the time you were absent from Minneapolis and Minnesota, desired to locate you on a matter of business affecting your duties with the chamber of commerce, how would he find you?

"A. He couldn't have found me.

"Q. Did your wife know where you were?—A. I don't think she did.

"Q. Didn't you call her up on one occasion?—A. She might have known it from where the telephone call came from. It would be the only way she would know it.

"Q. Do I understand you correctly if some matter came up affecting your duties at the chamber of commerce that no one could locate you?—A. That's correct. I have done that before on vacation. It isn't the first time that I have done it; I mean going away without leaving my address.

"Q. Do I understand you to say that when you left Minneapolis for Eau Claire on the first occasion or the second occasion, or both occasions, that Mr. McHugh knew you were taking your vacation at that particular time because you didn't want to testify in this proceeding and disclose confidential information which you had?—A. I think I would put it this way—that I told him I wanted to take a vacation and that I hadn't had one, and that I wanted to go away; and I told him I had what I felt was information which had been given me in confidence in this trial. At that time neither one of us knew there was any subpoena out for me, and I told him I was going and I went.

"Q. That is hardly answering my question.—A. I tried to answer it.

"Q. I say, did Mr. McHugh know when you left that you were taking your vacation at that particular time because you didn't want to testify in this proceeding if you were called as a witness, because of this confidential information that you might be obliged to disclose?—A. I think that is a correct statement of it; yes, sir.

"Q. And is it correct to assume that at some time during your absence they could have discovered your whereabouts by asking your wife where you were?—A. I don't know. I don't know whether he could or could not.

"Q. You don't know whether your wife would refuse or not refuse to disclose your whereabouts?—A. I don't know whether she knew where I was. I didn't tell her where I was going. If that is what you mean. I don't know whether she knew where I was or not.

"Q. Did you tell her how long you expected to be gone?—A. I told her I would probably be gone 10 days or 2 weeks.

"Q. You made no provision in case some accident should happen to your family by which you might be reached and notified?—A. No, sir."

"Governor OLSON. That's all.

"Mr. DAVIS. If your little baby had been sick or died you made no provision for them to get in touch with you? You don't mean that, do you?

"A. That is a correct statement of it; yes, sir."

All the while he was testifying, he had his lawyer here. He ran out of the State, not once but twice, in order to avoid testifying. He tells you that the first man he got in touch with upon his return just before Christmas was McHugh, the secretary of the chamber of commerce, his master and his boss. The second man he got in touch with was the attorney for the chamber of commerce, and it was to this attorney that he first told the ridiculous story that his reason for running away was not to embarrass employees of the railroad and warehouse commission.

Looking this whole transaction over and realizing the perjury and falsity of Weiss's testimony, the dishonesty of McHugh, and the downright dishonesty of Hughes, should your excellency longer hesitate as to what to do in this case?

O. P. B. JACOBSON

Just two more pictures before I close. One is the picture of an old man who for 25 years has served the people of Minnesota. Upon election after election he has been honored with the faith and confidence of the people of this State, and has been elected railroad and warehouse commissioner. I refer to O. P. B. Jacobson, of Ottertail County, as honest a man as ever sat in public office. A man who has devoted the years of his service in behalf of the farmers and producers. Governor, the one man above all others in the State of Minnesota who has fought against the Federal grain grading act and for the farmers of the Northwest.

It is this man whose honesty is attacked. It is this man whose integrity is questioned. It is this man whose service to the people is sought to be vilified. It is he, and he alone, who has had to stand the brunt of this attack. Let it be said to the shame and disgrace of those who are responsible for it that the people of Minnesota know that the old viking from Ottertail County has always been honest and square and fair by the people.

Mr. Jacobson has suffered enough. He has never deserved this kind of a deal, and the time has now arrived here for you to exonerate him and let the people of Minnesota realize that the chamber of commerce, in all their greed and all their dishonesty, can not take away from old O. P. B. Jacobson the one thing he holds dear above everything else, and that is his good name and his honest reputation.

SENATOR MULLIN

Let us look at the other side of the picture for a moment before I close. A young man, elected for a short while to the office of State senator, whose brother is a member of the chamber of commerce, brings this proceeding, and under oath charges the various crimes and misdemeanors which have never been proven.

Governor, why did he do so? I want to be charitable, if possible, in this matter. I want to say that perhaps it was his desire to become a hero and a champion of the people that induced him to make these charges. He is extremely young and very unsophisticated. He has been raised in the city and is unacquainted with country ways.

But do not forget this: Before these charges were filed he and his counsel sat down in conference with Eddie Hughes, the assistant secretary of the chamber of commerce, and with Mr. Morin, the witness who ran out and whom we have never been able to get, and prepared these charges. I would like to concede that when he first brought these charges that the gentleman acted in good faith. I would at least hope he did.

But when he has sat here through these proceedings and seen the case reeking with perjury and fraud and corruption, I can not understand why he did not rise up and protest. To be sure, he sought publicity and has received it and will receive it to the end of his day. "Elevator M" will always be his name from this time forth. No matter where he goes or what he does, Jerry Mullin will always be known as "Elevator M," the colossal joke of the ages, the fraud perpetrated upon the Governor of the State of Minnesota.

To my mind, as this case progressed, there came a time when Senator Mullin could have risen to the heights and proved himself one of the biggest men in the State of Minnesota. That time was when the testimony of Mr. Storch, of the Grain Stabilization Corporation, showed that every bushel of wheat which the Grain Stabilization Corporation purchased weighed more than 58 pounds. There was the opportunity for Senator Mullin to have shown himself to be a real man. We all make mistakes, and when we realize them we ought to be big enough to admit them. I am sorry the senator failed to live up to his opportunity.

Governor Olson, the relator in this case, must stand or fall upon the record, and nothing else. No political contingencies can avail him in any degree.

The evidence in this case clearly shows that the Farmers Union Terminal Association has been guilty of no wrongdoing, and I am confident your excellency will so find.

The relator has failed to prove a single charge in his complaint. On the contrary, it has been shown by abundant evidence that the moving power back of this miserable proceeding was McHugh and the chamber of commerce.

The chamber of commerce has failed in their mad attempt to ruin the cooperative movement, but there is evidence in this case which should prove of benefit to the farmers of the Northwest. We know better now than ever before the ways and manners in which the farmers have been mulcted. We know that storage laws should be enacted and that laws should be enacted providing that the farmer should not be compelled to pay freight on his dockage and receive nothing for it.

The chamber of commerce has unwittingly done the farmers of the Northwest and your excellency a great service. They had hoped to ruin the cooperative movement. They have erected the scaffold which will hang the grain gamblers.

APPEALS TO GOVERNOR TO HELP GET LEGISLATION

The producers of this State, the cooperative organizations of Minnesota, and my client, the Farmers Union Terminal Association, want to uphold your hand, Governor Olson, in every effort that you may make for the passage of laws that will give to the producer and the farmer fair treatment that will protect them from exploitation. No greater opportunity and no grander privilege has ever before confronted a Governor of Minnesota, and I know that with your love for the progressive cause you will rise to the occasion, and as a result of your efforts and your leadership the farmers of Minnesota can look forward to a better day.

Governor, the greatest fraud now existing against the farmers is the Federal grading act. Your voice, I am sure, will be raised in protest against this inequity.

If we had the grading acts which O. P. B. Jacobson has fought for, this hearing would not have been possible.

The people of Minnesota want you to join hands with him. For 25 years he has fought for the farmers and sought to protect their interests and has battled against the Federal grain grading act. This act was passed for the benefit of the millers and the grain gamblers of this country. It has cost the producers untold millions of dollars. Your influence and the high position and estate which you occupy will enable you to lead the fight which will give to the farmers of the Northwest and of this country an honest, a fair, an equitable grading act. I thank you.

SIX-HOUR DAY FOR RAILWAY EMPLOYEES

THE VICE PRESIDENT. The Chair lays before the Senate a joint resolution from the House and asks the attention of the Senator from Michigan [Mr. COUZENS].

The joint resolution (H. J. Res. 252) to authorize the Interstate Commerce Commission to make an investigation as to the possibility of establishing a 6-hour day for railway employees was read twice by its title.

MR. COUZENS. Mr. President, may the joint resolution be read at length?

THE VICE PRESIDENT. Let the joint resolution be read for the information of the Senate.

The Chief Clerk read the joint resolution, as follows:

Resolved, etc., That the Interstate Commerce Commission be, and is hereby directed to investigate what would be the effect upon operation, service, and expenses of applying the principle of a 6-hour day in the employment of all classes and each particular class of railway employees because of such application.

Sec. 2. The commission is further directed to report its findings to the Congress on or before December 15, 1932.

MR. COUZENS. I ask that the House joint resolution may be substituted for a similar joint resolution adopted by the Senate last week.

THE VICE PRESIDENT. That is not necessary. The adoption of the House joint resolution will have the same effect.

MR. ROBINSON of Arkansas. I call the attention of the Senator from Michigan to the fact that the joint resolution to which he refers as having been adopted by the Senate is probably out of the possession of the Senate. Let the Senator ask merely for the consideration of the House joint resolution.

MR. COUZENS. Mr. President, I ask that the joint resolution be referred to the Committee on Interstate Commerce.

THE VICE PRESIDENT. Without objection, the joint resolution will be so referred.

ADDITION TO SKULL VALLEY INDIAN RESERVATION

MR. FRAZIER. Mr. President, out of order I wish to have considered at this time House bill 6663, recently passed by the House. A similar bill, being Senate bill 2553, was passed by the Senate last week, but the House bill was passed first and referred to the Committee on Indian Affairs. It has to do with setting aside on the public domain in Utah half a section of land for the use of the Skull Valley Indian Reservation. I ask unanimous consent that the Committee on Indian Affairs may be discharged from the further consideration of the House bill and that it may be considered at this time.

THE VICE PRESIDENT. Let it be reported for the information of the Senate.

MR. McNARY. Mr. President, I shall have to object to the immediate conclusion of the bill. The calendar will probably be called to-morrow or next day.

THE VICE PRESIDENT. Objection is made.

PREFERENCE TO DOMESTIC ARTICLES IN GOVERNMENT PURCHASES

MR. JONES. Out of order, I introduce a bill. It is not very long, and I ask that it may be read and referred to the Committee on Appropriations.

THE VICE PRESIDENT. Is there objection?

There being no objection, the bill (S. 3349) authorizing the purchasing officers of the Government to give preference to domestic articles was read the first time by its title and the second time at length and referred to the Committee on Appropriations, as follows:

Be it enacted, etc. That notwithstanding any provision of law to the contrary, the heads of the several executive departments and independent establishments of the Government, shall, in advertising for proposals for supplies or equipment, require bidders to certify whether the articles proposed to be furnished are of domestic or foreign growth, production, or manufacture, and shall, notwithstanding that articles of the growth, production, or manufacture of the United States may cost more than similar articles of the growth, production, or manufacture of foreign countries, purchase or contract for, within the limits of the United States, only articles of the growth, production, or manufacture of the United States, unless in their judgment the interest of the Government will not permit, and if the excess of cost be not unreasonable.

EMERGENCY PUBLIC WORKS PROGRAM

Mr. WAGNER. Mr. President, I desire to give notice that on Friday next I intend to call up Senate resolution 72, submitted by me, providing the parliamentary situation will permit of my doing so.

RECESS

Mr. McNARY. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to, and (at 4 o'clock and 18 minutes p. m.) the Senate took a recess until to-morrow, Thursday, January 28, 1932, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 27 (legislative day of January 26), 1932

MEMBER OF THE FEDERAL TRADE COMMISSION

William E. Humphrey to be a member of the Federal Trade Commission.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

Claude B. Mayo to be captain.

Eugene T. Oates to be commander.

To be lieutenant commanders

Elmer E. Duvall, jr.
Lloyd E. Clifford.
Willis M. Percifield.
John Meyer.
William S. Holloway.
Mallery K. Aiken.
Hiram L. Irwin.
Rico Botta.
Ralph H. Norris.
Frank C. Fiske.
Bronson P. Vosbury.
Donald W. Loomis.
William S. Heath.
Elbert C. Rogers.
Jerauld Wright.
Harry W. Need.
Charles D. Lefler, jr.
Earle W. Mills.
Harry D. Hoffman.
Harold G. Eberhart.
Victor C. Barringer, jr.
Martin R. Derr.
Graeme Bannerman.
Henry S. Kendall.
Stanley M. Haight.
William E. G. Erskine.
Edward W. Wunch, jr.
John D. H. Kane.
James W. Whitfield.
Harold E. MacLellan.
Albert S. Marley, jr.
Peter K. Fischler.
Harry W. von Hasseln.
Guy D. Townsend.
Olton R. Bennehoff.
Arthur T. Moen.
Ross P. Whitemarsh.
Ralph H. Henkle.
Gordon B. Woolley.

Albert L. Hutson.
Walter L. Taylor.
Miles R. Browning.
Ellis H. Geiselman.
Ernest H. Krueger.
Jack H. Duncan.
Watson O. Bailey.
Leland P. Lovette.
Wallace M. Dillon.
Edmund J. Kidder.
Edward D. Walbridge.
Leroy W. Busbey, jr.
Smith D. A. Cobb.
Malcolm A. Deans.
Ralph S. Riggs.
Carlos W. Wieber.
Edwin D. Gibb.
John M. Haines.
William A. S. Macklin.
John W. Rogers.
Charles G. Moore, jr.
Robert L. Mitten.
Mays L. Lewis.
Elmer V. Iverson.
Stanley C. Norton.
Chauncey R. Crutcher.
William K. Phillips.
Ralph C. Alexander.
Samuel H. Hurt.
Herbert R. Sobel.
Allan P. Flagg.
Vaughn Bailey.
Frank O. Wells.
Henry Hartley, an additional number.
William R. Buechner.
Arthur B. Dorsey.
Charles W. A. Campbell.
Jonathan H. Warman.

Joseph W. Bettens.
Charles Antrobus.
Frank E. Nelson.
Philip S. Flint.
Melvin C. Kent.
Anthony Prastka.
Raymond A. Walker.
Ola D. Butler.
Peter J. Gundlach.
Albert M. Hinman.
Stephen A. Loftus.
Herbert R. Mytinger.
Harold A. Turner.
Curry E. Eason.
Brice H. Mack.
Herbert J. Meneratti.
William A. Mason.
John F. Murphy.
Clarence R. Rockwell.
Paul E. Kuter.
Simon L. Shade.
Albert E. Freed.
Harry J. Hansen.
Newcomb L. Damon.
John J. Madden.
Clyde Lovelace.
Martin Dickinson.
William H. Farrel.
George S. Dean.
Charles F. Fielding.
Judson E. Scott.
Robert B. England.

Lars O. Peterson.
Omar B. Earle.
Edwin Fisher.
George R. Blauvelt.
Chester L. Nichols.
Thomas M. Leovy.
Harold F. Fultz.
Benjamin W. Cloud.
Frederick S. Conner.
Howard W. Kitchin.
Leland D. Webb.
William Knox.
Clyde C. Laws.
Thomas E. Flaherty.
Arthur R. Ponto.
Merwin W. Arps.
Jerome L. Allen.
William A. Tattersall.
Grover A. Miller.
Marion C. Erwin.
Lester M. Harvey.
Frederick A. Ruf.
Harry L. Thompson.
John F. Warris.
Francis E. Fitch.
John M. Sheehan.
George R. Henderson.
George T. Owen.
Loverne A. Pope.
Rossmore D. Lyon.
Fred C. Dickey.

To be lieutenants

Kenneth D. Ringle.
William M. Haynsworth, jr.
Albin R. Sodergren.
Robert A. MacKerracher.
John E. Shomier, jr.
Walter C. Holt.
Joseph E. M. Wood.
Frank H. Newton, jr.
Samuel P. Comly, jr.
Francis L. Robbins.
John L. Brown.
David W. Hardin.
Matthew S. Q. Weiser.
William P. E. Wadbrook.
Morris Smellow.
Harry H. Keith.
Joseph T. Sheehan.
Church A. Chappell.
Harold N. Williams.
George K. Hodgkiss.
Thayer T. Tucker.
Claude H. Bennett, jr.
George W. Welker, jr.
John M. McIsaac.
Frank H. Bond.
Thomas L. Turner.
John L. Welch.
Frederick M. Trapnell.
William L. Hoffheins.
Louis F. Teuscher.
William K. Mendenhall.
Richard M. Scruggs.
Frederick A. Edwards.
William E. Hennigar.
Peter W. Haas, jr.
John C. Goodnough.
Joseph L. Kane.
Donald S. MacMahan.
Walter C. Russell.
James H. Willett.
Philip S. Reynolds.
Ralph J. Arnold.

Henry C. Johnson.
John S. Keating.
Fred W. Walton.
Leon N. Blair.
Harry D. Felt.
Percival E. McDowell.
John M. Will.
Karl G. Hensel.
Herbert M. Wescoat.
Arthur F. Dineen.
Robert H. Rodgers.
Samuel G. Fuqua.
Charles D. Beaumont, jr.
Frank E. Shoup, jr.
Frederick Moosbrugger.
Francis M. Hughes.
William R. Thayer.
Alfred H. Richards.
Steele B. Smith.
Charles R. Ensey, jr.
Stanley Leith.
Edwin R. Peck.
John C. McCutchen.
George A. Dussault.
Curtis S. Smiley.
Murvale T. Farrar.
Louis A. Reinken.
Balch B. Wilson, jr.
Howard L. Young.
Marvin M. Stephens.
Olin Scroggins.
Harold Doe.
Josephus A. Briggs.
Robert P. Wadell.
Thomas E. Boyce.
Richard M. Oliver.
Francis D. Hamblin.
James E. Fuller.
Harold H. Connelley.
Pleasant D. Gold, 3d.
Arthur L. Maher.
Philip H. Ryan.

Dwight H. Day.
Boltwood E. Dodson.
Henry M. Cooper.
John J. Jecklin.

To be lieutenants (junior grade)

Donald S. Gordon.
John B. Taylor.
Eldon C. Mayer.
Edward N. Teall, jr.
Monro M. Riker.
Robert A. Johnson.
Edmund E. Garcia.
Henry T. Jarrell.
John Bailey.
Robert B. Morgan, jr.
Byron C. Gwinn.
Richard E. Fenton.
Fred J. Leatherman.
Daniel W. Latimore.
Henry F. Gorski.
Herbert T. Tortorich.
Winston I. Quattlebaum.
James R. Lee.
Robert E. Van Meter.
John Quinn.
Harry E. Sears.
George H. Moffett.
Harlow J. Carpenter.
Joseph Finnegan.
Wilfred J. Hastings.
Philip F. Wakeman.
William S. Pye, jr.
Thomas A. Ahroon.
John A. Bole, jr.
William A. Schoech.
William A. Cockell.
John F. Mullen, jr.
William H. Jacobsen.
David L. McDonald.
Cuthbert J. Bruen.
Theodore F. Ascherfeld.
Joseph F. Quilter.
William S. Parsons.
William J. Millican.
Wells Thompson.
Edward T. Eves.
Earle C. Hawk.
Michael P. Bagdanovich.
Milton G. Johnson.
George P. Enright.
Albert O. Momm.
Rodney B. Lair.
Norman F. Garton.
William M. Searles.
John R. Pierce.
Victor B. Cole.
Evan E. Fickling.
Albert C. Burrows.
Robert O. Strange.
Robert C. Peden.
Irwin F. Beyerly.
John T. Bowers, jr.
Carl A. R. Lindgren.
Hugh R. Nieman, jr.
Daniel J. Wagner.
Allan G. Gaden.
Thurmond A. Smith.
Edwin B. Dexter.
Hurley McC. Zook.
Stephen H. Ambruster.
Elwood C. Madsen.
Michael F. D. Flaherty.

To be ensigns

Howard J. Abbott.
Noah Adair, jr.
Charles W. Aldrich.

Donald E. Wilcox.
Thomas J. Casey.
Aaron P. Storrs, 3d.

Rollo N. Norgaard.
Robert J. Archer.
Idris B. Monahan.
Thomas Ashcraft.
John L. Collis.
George E. King.
Charles H. Kendall.
Albert J. Walden.
George Fritschmann.
Matthew Radom.
John K. McCue.
James H. Brett, jr.
Francois C. B. Jordan.
Chesford Brown.
Edward A. Hannegan.
Leonard F. Freiburghouse.
Thomas W. Jones.
Neale R. Curtin.
Edwin J. S. Young.
John T. White.
Clarence M. Bowley.
Thomas A. Donovan.
Frederick E. Moore.
Joe E. Wyatt.
J. Clark Riggs, jr.
David W. Todd, jr.
Robert L. Morris.
Alan B. Banister.
John C. Alderman.
John M. Boyd.
Marcel R. Gerin.
John E. Burke.
Roger M. Daisley.
Jesse J. Underhill.
Alfred M. Aichel.
Paul R. Anderson.
Walter N. Gray.
William W. Shea.
Philip D. Gallery.
Stephen N. Tackney.
John A. Williams.
William F. Raborn, jr.
Julian H. Detyens.
Robert T. S. Keith.
Nic Nash, jr.
Lindell H. Hewett.
George K. Huff.
Frank McD. Nichols.
Basil N. Rittenhouse, jr.
Donald A. Lovelace.
Weldon L. Hamilton.
Lex L. Black.
Jack C. Renard.
John G. Urquhart, jr.
Eugene W. Fitzmaurice.
Robert S. Hall, jr.
Guy W. Stringer.
Harry W. Richardson.
Phillip G. Stokes.
Robert A. Pierce.
Charles P. Huff, jr.
John F. Nelson.
John A. Scott.
Max L. Catterton.
Julian H. Leggett.
Earl H. Pope.

Edward H. Allen.
Robbins W. Allen.
Charles R. Almgren.

Augustus H. Alston, jr.
Jay S. Anderson.
Richard K. Anderson.
Richard S. Andrews.
Richard N. Antrim.
Philip H. Ashworth.
Thomas Ashworth, jr.
Walter C. Bailey.
Horace D. Barker.
Raymond H. Bass.
Alcorn G. Beckmann.
Frederick J. Beeton.
Robert P. Beebe.
Allen C. Bell.
Louis J. Bellis.
Sherman W. Betts.
James O. Biglow.
Edward M. Bingham.
Joseph D. Black.
Orrin F. Black.
Edward M. Blessman.
Charles T. Booth, 2d.
Robert M. Bowstrom.
Frederic R. Brace.
William B. Braun.
John H. Brockway.
Ward Bronson.
Charles B. Brooks, jr.
Henry E. Brosky.
Elliott M. Brown.
Frederick J. Brush.
Edward S. Burns.
Eugene V. Burt.
John W. Byng.
Bruce L. Carr.
John D. Cashman.
Hiram Cassedy.
John F. Castree.
Bryant A. Chandler.
John L. Chew.
Paul W. Clarke.
John B. Colwell.
James I. Cone.
Charles O. Cook, jr.
Lawrence B. Cook.
Eb S. Cooke.
Robert W. Cooper.
Nathaniel C. Copeland.
Thomas H. Copeman.
Warren G. Corliss.
Leo O. Crane.
Richard H. Crane.
Francis D. Crinkley.
Charles L. Crommelin.
John D. Crowley.
John W. Crumpacker.
Ralph Cullinan, jr.
Arthur A. Cumberledge.
Damon M. Cummings.
Arthur N. Daniels.
Donald V. Daniels.
DeAtley I. Davis.
James H. Davis.
Edward M. Day.
George DeMetropolis.
James C. Dempsey.
Lucian F. Dodson.
John O. F. Dorsett.
Harrington M. Drake.
William A. Dunn.
Ralph W. Elden.
Lee A. Ellis.
Ernest B. Ellsworth, jr.
Ralph N. Ernest.
Ernest E. Evans.
Rudolph J. Fabian.
Robert S. Fahle.

Robert B. Farquharson, jr.
Elwin L. Farrington.
James I. Fawcett.
John B. Fellows, jr.
Cleon H. Felton.
Edward F. Ferguson.
Reid P. Flala.
Benjamin P. Field, jr.
Maxim W. Firth.
William W. Fitts.
John A. Fitzgerald.
William H. Fitzgerald.
Arthur I. Flaherty.
Joseph E. Flynn.
Francis J. Foley.
Joseph F. Foley.
Lorenz Q. Forbes.
Edward L. Foster.
Archie D. Fraser.
George F. Freeman.
William M. Freshour.
Robert E. Gadrow.
Winsor C. Gale.
Wilmer E. Gallaher.
John W. Gannon.
Josef M. Gardiner.
Clarence L. Gasterland.
Will M. Garton, jr.
Peter M. Gaviglio.
Benjamin Ghetzler.
Wayne F. Gibson.
Roy O. Gilbert, jr.
William J. Giles, jr.
Thomas E. Gillespie.
Ralph G. Gillette.
Harry M. S. Gimber, jr.
Frank G. Gould.
Donald S. Graham.
James D. Grant.
Albert D. Gray.
George M. Greene.
Thomas J. Greene.
Edward H. Guibert.
Byron L. Gurnette.
Oscar E. Hagberg.
Vernon R. Hain.
Henry H. Hale.
Madison Hall, jr.
Norman Hall.
Mann Hamm.
Douglas T. Hammond.
John F. Harper, jr.
George A. Hatton.
Claude V. Hawk.
Carson Hawkins.
Richard R. Hay.
Nelson M. Head.
Robert B. Heilig.
Andrew J. Hill, jr.
Thomas W. Hogan, jr.
Harry W. Holden.
John C. Hollingsworth.
William W. Hollister.
Merrill S. Holmes.
Arnold H. Holtz.
Ernest C. Holtzworth.
Edwin B. Hooper.
Charles M. Howe, 3d.
Francis W. Hoye.
Robert E. Hudson.
George P. Huff.
John N. Hughes.
William C. Hughes, jr.
Raymond P. Hunter.
John D. Huntley.
Alden H. Irons.
Clifton Iverson.

Raymond H. Jacobs.
 Clifford T. Janz.
 Marvin J. Jensen.
 Charles M. Jett.
 William H. Johnsen.
 Harlan T. Johnson.
 Willis O. Johnson.
 Alvin A. Jones.
 Ashton B. Jones, jr.
 Robert E. C. Jones.
 Robert F. Jones.
 Karl E. Jung.
 John F. Just.
 James H. Kelsey, jr.
 Gerald L. Ketchum.
 Joseph V. Kiehlbauch.
 Robert D. King.
 Victor A. King.
 Charles C. Kirkpatrick.
 Charles E. Kirkpatrick.
 John E. Kirkpatrick.
 Millard J. Klein.
 Thomas R. Kurtz, jr.
 Sidney J. Lawrence.
 James T. Lay.
 William R. Lefavour.
 Joseph W. Leverton, jr.
 Bafford E. Lewellen.
 Burton C. Lillis, jr.
 Carl A. Lizberg.
 Robert E. Lockwood.
 Ernest W. Longton.
 Carlton C. Lucas.
 Hylan B. Lyon.
 Eugene S. Lytle, jr.
 Donald J. MacDonald.
 George K. MacKenzie, jr.
 Robert W. Mackert.
 George B. Madden.
 Elliot E. Marshall.
 Marshall T. Martin.
 Forsyth Massey.
 Jesse S. McAfee.
 Frank C. McAllister, jr.
 John S. McCain, jr.
 Reginald R. McCracken.
 William R. McCuddy.
 Edwin A. McDonald.
 William V. McKaig.
 Baxter M. McKay.
 Francis A. McKee.
 Bernard F. McMahon.
 Vincent J. Meola.
 Francis B. Merkle.
 Alfred B. Metzger.
 Lion T. Miles.
 Justin A. Miller.
 Norman M. Miller.
 John O. Miner.
 George G. Molumphy.
 John R. Moore.
 Daniel S. Morris.
 Charles A. Morrow, jr.
 William J. Morrow, jr.
 McDonald Moses.
 Jesse H. Motes, jr.
 Philip W. Mothersill, jr.
 Carleton E. Mott.
 Horace D. Moulton.
 Henry Mullins, jr.
 James A. Murphy.
 John A. Myer.
 Horace Myers.
 Floyd B. T. Myhre.
 Ray C. Needham.
 Raymond H. Nelson.

Samuel E. Nelson.
 Rathel L. Nolan, jr.
 William C. Norvell.
 Joseph E. O'Brien.
 Michael G. O'Connor.
 Edward J. O'Neill.
 James M. O'Toole.
 Seymour D. Owens.
 Charles K. Palmer.
 Lee S. Pancake.
 John C. Parham, jr.
 William K. Parsons.
 Thomas B. Payne.
 Harold Payson, jr.
 Hepburn A. Pearce.
 George E. Peckham.
 Francis M. Peters, jr.
 James M. Peters.
 Richard W. Peterson.
 Thomas C. Phifer.
 Ransom A. Pierce.
 Samuel H. Porter.
 Peter G. Powell, jr.
 John G. F. Prescott.
 Frank R. Putnam.
 Lawson P. Ramage.
 Frank G. Raysbrook.
 Allan L. Reed.
 John S. Reese.
 Henry A. Renken.
 James R. Z. Reynolds.
 Alvin F. Richardson.
 Clark A. Ritchie.
 Horacio Rivero, jr.
 Berton A. Robbins, jr.
 Edward L. Robertson, jr.
 Bernard F. Roeder.
 Anthony C. Roessler.
 Thomas W. Rogers.
 Albert K. Romberg.
 David L. Roscoe, jr.
 Harold B. Russell.
 William M. Ryon.
 Robert R. Sampson.
 Walter P. Schoeni.
 George T. Schultz.
 Harry E. Seidel, jr.
 Charles F. Sell.
 Leland G. Shaffer.
 Alfred E. Sharp, jr.
 Ward T. Shields.
 William B. Sieglauff.
 William J. Sisko.
 Andrew J. Smith.
 Curtis E. Smith.
 James T. Smith.
 Julius E. Smith, jr.
 Norman E. Smith.
 Ronald K. Smith.
 Victor H. Soucek.
 Jerry C. South, jr.
 Arthur E. Stafford.
 Richard C. Steere.
 Edward F. Steffanides, jr.
 Frederic S. Steinke.
 Andrew P. Stewart.
 Walter J. Stewart.
 George R. Stone.
 Charles T. Straub.
 Daniel A. Stuart.
 Joseph B. Swain.
 Eugene Tatom.
 Robert L. Taylor.
 Robert A. Theobald, jr.
 Willis M. Thomas.
 Warren R. Thompson.

Joseph T. Thornton, jr.
 Donald W. Todd.
 Theodore A. Torgerson.
 Joseph C. Toth.
 Alfred B. Tucker, III.
 Thomas D. Tyra.
 Gordon A. Uehling.
 Schermerhorn Van Mater.
 Charles S. Vaughn.
 Alexander C. Veasey.
 Louis F. Volk.
 James B. Vredenburgh.
 Ford L. Wallace.
 Kinloch C. Walpole.
 Nathaniel E. Warman.
 Hazlett P. Weatherwax.
 John A. Webster.
 James B. Weiler.
 Frederick U. Weir.
 Charles L. Werts.
 Karl R. Wheland.
 Justin L. Wickens.

Henry R. Wier.
 Donald T. Wilber.
 Prentis K. Will.
 George K. Williams.
 Henry Williams, jr.
 Jack B. Williams.
 Lowell W. Williams.
 Russell C. Williams.
 Francis T. Williamson.
 Albert H. Wilson, jr.
 Arthur L. Wilson.
 George S. Wilson.
 Peyton L. Wirtz.
 James M. Wood.
 Lester O. Wood.
 Ronald J. Woodaman.
 Edward A. Wright.
 Sinclair B. Wright.
 John T. Wulff.
 Evan W. Yancey.
 Andrew L. Young, jr.
 William P. Woods.

To be surgeons

Enoch G. Brian.
 Ross U. Whiteside.
 George G. Herman.
 Alfred L. Gaither.
 Emil J. Steiner.
 James F. Terrell.
 Jesse D. Jewell.
 Harvey W. Miller.
 Joseph F. Lankford.
 Frank W. Quin.
 Francis E. Tierney.
 Charles A. Costello.
 Forrest M. Harrison.
 Harold A. Noreen.
 Robert W. Thomas.
 Richard W. Hughes.
 Harrison L. Wyatt.
 Alva A. Shadday.
 Cyrus C. Brown.
 Henry D. Hubbard.
 James L. Manion.
 Guy Fish.
 Louis E. Fitzsimmons.
 John G. Smith.
 Isaac B. Polak.
 Camille M. Shaar.
 Frederick R. Haselton.
 Wilbert W. Munsell.
 Leslie O. Stone.
 Benjamin H. Adams.
 Clifford G. Hines.
 John B. O'Neill.
 James C. Kimball.
 William H. Harrell.
 Clinton G. DeFoney.
 James G. Dickson.
 DeWitt T. Hunter.
 David O. Bowman.
 Harry J. Noble.
 Arthur H. Pierson.
 Earl E. Sullivan.
 Houston B. Fite.
 Gilbert H. Larson.
 Samuel E. Johnson.
 Daniel P. Platt.
 John A. Marsh.
 Reuben H. Hunt.
 James K. Gordon.
 Jose A. Perez.
 Henry A. N. Bruckshaw.
 William F. Kennedy.
 Francis D. Walker.

Royal A. McCune.
 Franklyn C. Hill.
 Charles R. Tatum.
 Maurice Joses.
 Thomas F. Duhigg.
 Benjamin W. Gaines.
 James D. Benjamin.
 Emmett J. Brady.
 Harry A. Keener.
 Paul F. Dickens.
 Henry C. Kellers.
 Lincoln Humphreys.
 Albion H. Cecha.
 Ernest F. Slater.
 Irving E. Stowe.
 Francis P. Field.
 Everett B. Taylor.
 Dwight Dickinson, jr.
 William A. Epstein.
 Alfred G. Tinney.
 Arthur J. White.
 Ray E. A. Pomeroy.
 Jonathan E. Henry.
 Fleete S. Steele.
 Alcfar A. Marsteller.
 John A. Topper.
 Edward M. Steger.
 Earl E. Dockery.
 Charles Wheatley.
 Clarence N. Smith.
 John G. Davis.
 William S. Bunkley.
 Gleaves B. Kenny.
 Roy J. Leutscher.
 George E. Mott.
 Cyrus R. Currier.
 Henry L. Fougerousse.
 Otis B. Spalding.
 David E. Horrigan.
 J. Howard Branan.
 Victor B. Riden.
 James P. Bowles.
 Clyde W. Brunson.
 James D. Blackwood, jr.
 John B. Bostick.
 John T. O'Connell.
 Vincent Hernandez.
 Ray W. Hayworth.
 Stuart J. Trowbridge.
 Samuel H. White.
 Edward J. Goodbody.
 Richard B. Blackwell.

To be passed assistant surgeon

Harry L. Goff.

To be assistant surgeons

Clarence Minnema.
 Thomas M. Arnett.
 Malcolm W. Arnold.
 Lawrence E. Bach.
 Robert Bell.
 Martin H. Benson.
 Reuben A. Benson.
 William T. Booth.
 Weston T. Buddington.
 James B. Butler.
 Alvin R. Carpenter.
 Alvin J. Cerny.
 Harold J. Cokely.
 William H. L. Collis.
 Victor G. Colvin.
 Daniel C. Corriher.
 Murphy K. Cureton.
 Giffin C. Daughtridge.
 Adrian J. Delaney.
 Lewis T. Dorgan.
 Kenneth W. Eikenberry.
 Leslie D. Ekvall.
 William L. Engelman.
 Benjamin G. Feen.
 James E. Fulghum.
 Andrew Galloway.
 Willard M. Gobbell.
 Clark G. Grazier.
 Powell W. Griffith.
 Ralph D. Handen.
 Eugene R. Hering, jr.
 George R. Hogshire, jr.
 Clifford M. Hughes.
 Edward F. Kline.
 Frederick R. Lang.
 Frank A. Latham.
 William P. Locke.
 Ralph M. McComas.
 Isaac S. McReynolds.
 Clarence F. Morrison.
 Langdon C. Newman.
 Roger R. Olsen.
 Erwin H. Osterloh.
 Elbert F. Penry.

Paul K. Perkins.
 James A. Price.
 Howard L. Puckett.
 Edward M. Quinn.
 Joseph F. Rech.
 George B. Ribble, jr.
 James J. Sapiro.
 Oscar Schneider.
 Howard K. Sessions.
 Robert E. Shands.
 Marcy Shupp.
 Richard J. S. Silvis.
 Francis K. Smith.
 Rudolph E. Swenson.
 Donald R. Tompkins.
 Otto E. Van Der Aue.
 Burt O. Wade.
 Ernest M. Wade.
 John H. Ward, jr.
 Robert L. Ware.
 Leon H. Warren.
 Fitz-John Weddell, jr.
 John J. Wells.
 John M. Wheelis, jr.
 Thomas L. Willmon.
 James E. Wilson, jr.
 Donald O. Wissinger.
 John D. Yarbrough.
 Isadore Zugerman.
 Joseph L. Zundell.
 Eugene R. Hammersley.
 Charles D. Bell.
 Paul M. Hoot.
 Morris M. Rubin.
 John F. Register.
 Edward T. Gary.
 Gabriel E. Obester.
 Louis M. Harris.
 Charles R. Moon.
 Keitt H. Smith.
 Clifford P. Powell.
 Thomas W. McDaniel, jr.
 Stephen E. Flynn.
 Edgar J. Easley.

To be dental surgeons

William F. Murdy.
 Clarence A. Chandler.
 Ronnie A. Berry.
 Nicholas S. Duggan.
 William J. Rogers.
 Carl E. Reynolds.
 Edmund Laughlin.
 Edward J. Fitzgerald.
 Charles S. Weigester.
 Carlton B. Morse.
 Rolland W. Quesinberry.

Ralph P. Morse.
 Ernest C. Johnson.
 Claude A. Angonnet.
 Charles H. Morris.
 Clifford E. Kelly.
 Elmer C. O'Connell.
 Harrison J. LaSalle.
 Henry C. Lowry.
 John L. McCarthy.
 Patrick A. McCole.
 Henry G. Ralph.

To be assistant dental surgeons

George N. Crosland.
 Victor A. LeClair.
 Robert W. Wheelock.
 James H. Connelly.
 Merritt J. Crawford.
 Adolph W. Borsum.
 Paul M. Carbiener.
 Claude E. Adkins.

Richard H. Barrett, jr.
 Erwin J. Shields.
 Lauro J. Turbini.
 Richard M. Bear.
 Max W. Kleinman.
 Robert W. Moss.
 James A. Morton.

To be medical inspectors

Carleton I. Wood.
 William W. Wickersham.
 William H. Michael.

Joel T. Boone.
 Frederic L. Conklin.
 Clarence W. Ross.

To be pay inspectors

Omar D. Conger.
 James P. Helm.
 Robert S. Chew.
 Oscar W. Leidel.
 Charles C. Copp.
 John J. Gaffney.

To be paymasters

Harry A. Hooton.
 Charles W. Charlton.
 Palmer J. McCloskey.
 John B. Daniels.
 Arthur P. M. Shock.
 James M. Easter.
 Gerald A. Shattuck.
 Melvin F. Talbot.
 Edwin D. Foster.
 Walton Dismukes.
 Horace D. Nuber.
 William J. Carter, jr.
 David W. Mitchell.
 Archy W. Barnes.
 George P. Seifert.
 Thomas M. Schnotala.
 Charles E. Sandgren.
 Andrew J. McMullen.
 Alvah B. Canham.
 Frank W. Hathaway.
 Theodore S. Coulbourn.
 John H. Seifert.
 Arthur G. King.
 Orville D. Foutch.

To be assistant paymasters

Clark T. Abbott.
 Peyton P. Callaway.
 Stanley Mumford.
 Joseph F. Tenney.
 Marshall H. Cox.
 Ignatius N. Tripi.
 Charles L. Keithley.
 Walter R. Wright.
 Frederick A. Kinzie.
 Sidney A. Freeberg.
 Edward P. Trenholme.

To be assistant naval constructor

John H. Spiller.

To be civil engineer

Ralph D. Spalding.

To be assistant civil engineers

Albert J. Fay.
 Howard F. Ransford.
 Horace B. Jones.

To be chief boatswains

Daryl W. Cardell.
 Edwin M. Jacobsen.
 Harold T. Petersen to be chief gunner.

To be chief electricians

George L. Van Slyke.
 Harry F. Letts.

To be chief radioelectricians

Delmar L. Tuft.
 Albert D. Walker.
 James M. Kane.
 Augustus L. Day.
 Elmer T. Stone.

Douglas S. Green.

William J. Thompson.

Lee J. Delworth.

William R. Morley.

To be chief machinists

Sterling P. Womack.
 John J. Deignan.

Ivan L. Brown.

Walter W. Eshelman.

To be chief carpenters

Harry P. Cummings.
 Thomas F. Coyne.
 George W. Steeves.

Alfred J. Ray.

Henry B. Britt.

To be chief pay clerk

Philip C. Dahlquist.

POSTMASTERS
DELAWARE

Stephen W. Miller, Camden.

IOWA

Roscoe W. Petersen, Bettendorf.

Howard C. Copeland, Chariton.

Andrew C. Link, Dyersville.

Eliza K. Alldredge, Melborne.

John A. Hale, Tripoli.

KENTUCKY

Roy Fraim, Alva.

Lenard W. Thrasher, Burkesville.

Emma A. Ellis, Campbellsville.

Lizzie B. Davisworth, Cumberland.

Benton W. Mauzy, Dixon.

Albert D. Boulard, Elva.

Claude P. Freeman, Fulton.

Arthur G. Powell, Irvine.

Mary L. Easum, Jeffersontown.

Mary O. Manby, La Grange.

John B. Searcy, Lawrenceburg.

Lillie M. Jackson, Lebanon.

Benoni H. Lott, Lewisport.

Frank A. Mohney, Lynch.

Marsh F. Chumley, McHenry.

John M. Miller, Middlesboro.

Carl A. Reis, Mogg.

Gilson P. Tate, Monticello.

Fred L. Sears, Nicholasville.

Burton Roberts, Richmond.

Inez M. Christian, Sturgis.

Edith Eaton, Uniontown.

Tacie G. Thoroughman, Vanceburg.

James L. Howard, Wallins Creek.

MASSACHUSETTS

Samuel L. Porter, Amesbury.

John D. Quigley, Ashland.

Henry E. Bearse, Centerville.

Maynard N. Wetherell, Chartley.

William H. Lilley, Chicopee.

Walter L. Tower, Dalton.

Gilbert W. O'Neil, Gloucester.

Charles H. Slocumb, Greenfield.

Leroy E. Johnson, Groton.

William F. Keller, Holliston.

George A. Coolidge, Hudson.

Leon C. W. Foote, Lee.

Ernest H. Wilcox, Manchester.

Turner R. Bailey, Medfield.

Charles D. Streeter, Mount Hermon.

Harold Winslow, New Bedford.

George W. Orcutt, North Abington.

James T. Potter, North Adams.

Alonzo W. Jones, Orleans.

Margaret E. Rourke, Prides Crossing.

William E. Chaffin, Scituate.

Wesley G. Rose, South Deerfield.

Maurice Williams, South Easton.

John H. Preston, South Hadley.

Frederick C. Haigis, Turners Falls.

Otis J. A. Dionne, Walpole.

Blanche E. Robinson, Wareham.

Thomas E. Hynes, Wayland.

George D. Roe, Westfield.

Henry O. Bailey, West Newbury.

Mary A. Fallon, West Stockbridge.

NEW YORK

Annie J. McFadden, Ardsley.

Howard E. Whealey, Baldwin.

Clarence G. Jones, Barneveld.

Vida E. Freeman, Bloomingdale.

William G. Fisher, Chadwicks.

Clarence A. Bratt, Clarence Center.

Norman D. Higby, Constableville.

George C. Palmer, Cuba.

Frank P. Morstatt, Garnerville.

Edward T. Cole, Garrison.

Herbert L. Merritt, Katonah.

Charles L. Stackpole, Lyon Mountain.

Ernest K. Smith, Middleburg.

Ambrose D. Eldred, New Hartford.

Carl R. Allen, Oriskany Falls.

Frank V. Palmer, Philmont.

William H. Savage, Seneca Falls.

William T. Williamson, Troy.

Dennis W. Messler, Trumansburg.

Ray C. Kelsey, Weedsport.

Julius H. Fisher, Wellsville.

Grace A. Harrington, West Point.

George T. Anderson, Whitesboro.

C. Irving Henderson, Worcester.

PENNSYLVANIA

William P. Bush, Bellwood.

Henry Doering, Bethayres.

Robert K. Ritter, Bethlehem.

Karl R. Volk, Boswell.

Clarence G. Dixon, Butler.

Chestina M. Smith, Centralia.

George F. Marsh, Clifton Heights.

Samuel E. Spare, Doylestown.

John Martinelli, Fairbank.

Henry W. Redfoot, Fredonia.

Rachel M. Thurston, Iselin.

William N. Baker, Lewisburg.

Clarence E. McGhee, Minersville.

Oscar R. Moser, Mont Alto.

Evalyn M. Roberts, Morganza.

Rapha C. Sieg, Mountainhome.

Mary R. Clapper, New Enterprise.

Frank M. Berk, New Ringgold.

Lina E. Williams, Reno.

Eli B. Weaver, Ruffs Dale.

Daniel M. Witmer, Safe Harbor.

Laura M. Gilpatrick, Seward.

Herman S. Van Campen, Shavertown.

Harry B. Lee, Springville.

Elmer E. Grover, Wapwallopen.

Joseph P. Kearney, Wynnewood.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 27, 1932

The House met at 12 o'clock noon.

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

Our Father in Heaven, every new day is worthy of our best endeavor. May we measure our duty by our obligation by taking hold of the ordinary tasks and common experiences and transmit them into permanent values. Let us open our hearts to Thee, even as we would a dear friend who has come to keep us delightful company and make us feel that our labor is altogether worth while. Grant that the law of justice may be upon our lips and the spirit of kindness in our hearts. We thank Thee for the fine joys of life and for Thy gracious will concerning us. Teach us that life in its divinest essence is nobility of soul, purity of heart, and a zealous activity in doing good. May we walk worthily, labor justly, and hate and despise falsehood and cowardice. In the name of Jesus. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested: