1316. By Mr. TEMPLE: Petition of Canonsburg Camp, No. 117, Spanish War Veterans, Canonsburg, Pa., supporting legislation increasing rate of pension for widows of Spanish War veterans; to the Committee on Pensions.

1317. By Mr. WEEKS: Petition of Woman's Christian Temperance Union of Brandon, Vt., opposing the resubmission of the eighteenth amendment; to the Committee on the Judiciary.

1318. Also, petition of Woman's Christian Temperance Union of Vergenes, Vt., opposing the resubmission of the eighteenth amendment; to the Committee on the Judiciary.

1319. Also, petition of Woman's Christian Temperance Union of Rutland, Vt., opposing the resubmission of the eighteenth amendment; to the Committee on the Judiciary.

1320. Also, petition of Woman's Christian Temperance Union of Bristol, Vt., opposing the resubmission of the eighteenth amendment; to the Committee on the Judiciary.

1321. By Mr. WOLVERTON: Petition of L. R. McCloskey, of Merchantville, N. J., and signed also by numerous citizens of various places in the first congressional district of New Jersey, including Merchantville, Pensauken, and Camden, praying the maintenance of the prohibition law and its enforcement, etc.; to the Committee on the Judiciary.

1322. Also, petition of numerous citizens of Woodstown, N. J., praying the maintenance of the prohibition law and its enforcement, etc.; to the Committee on the Judiciary.

1323. Also, petition of C. L. Richmond, of Elmer, N. J., and signed also by numerous citizens of various places in the first congressional district of New Jersey, including Elmer, Daretown, and Woodstown, praying the maintenance of the prohibition law and its enforcement, etc.; to the Committee on the Judiciary.

1324. By Mr. YATES: Petition of Pike County Farm Bureau, Pittsfield, Ill., urging support of Senate bill 1856, known as the Glenn-Smith bill; to the Committee on Flood Control.

SENATE

FRIDAY, FEBRUARY 5, 1932

Rev. Frederick Brown Harris, D. D., of the Foundry Methodist Episcopal Church, city of Washington, offered the following prayer:

Our Father God, at noonday we would hush earth's claimant voices and lift up our hearts unto Thee. Fronting demanding tasks and grave responsibilities, we pause for this sacramental moment humbly asking that there may be given a wisdom and a strength for our high calling. In the very shrine of our lives Thou hast put a passion for truth and beauty and goodness. Help us never by any selfish surrender or compromise to dim the inner light of those flaming ideals. May we be true to all truth the world denies. May the lure of the beautiful lift us above the mud and scum of things. Lead us in the paths of righteousness for Thy name's sake.

May our glad eyes yet see the red of the dawn of a new day, when this torn and troubled world shall begin to rely upon the power of the spirit to achieve a security which the sword has never brought. Make us pioneers in a crusade not only to reduce weapons but to reduce hatreds and suspicions and prejudices, and to increase the healing stores of good will, understanding, and mutual trust. So may Thy kingdom come and Thy will be done.

We ask it in the spirit of the Master. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States, transmitting several nominations and treaties were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on February 4, 1932, the President had approved and signed the following acts:

S. 556. An act to extend the times for commencing and completing the construction of a bridge across the Elk River at or near Kelso, Tenn.;

S. 1089. An act to establish a minimum area for a Shenandoah National Park, for administration, protection, and general development by the National Park Service, and for other purposes;

S. 2388. An act to extend the times for commencing and completing the construction of a bridge across the French Broad River on the proposed Morristown-Newport road between Jefferson and Cocke Counties, Tenn.;

S. 2389. An act to extend the times for commencing and completing the construction of a bridge across the French Broad River on the Dandridge-Newport road in Jefferson County, Tenn.; and

S. 2408. An act to repeal the act of Congress approved May 31, 1924 (43 Stat. L. 247), entitled "An act to authorize the setting aside of certain tribal land within the Quinaielt Indian Reservation in Washington for lighthouse purposes."

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. McNARY. I wish to announce the necessary absence of the senior Senator from California [Mr. JOHNSON] due to illness. I ask that this announcement may stand for the day.

Mr. FESS. I desire to announce the unavoidable absence of the Senator from California [Mr. SHORTRIDGE] on account of illness. I shall let this announcement stand for the day.

Mr. BAILEY. I wish to announce that my colleague the senior Senator from North Carolina [Mr. MORRISON] is necessarily absent on account of illness. I ask that this announcement may stand for the day.

Mr. REED. I wish to announce that my colleague the junior Senator from Pennsylvania [Mr. DAVIS] is unavoidably absent to-day.

Mr. SHEPPARD. I desire to announce the necessary absence of my colleague the junior Senator from Texas [Mr. CONNALLY] on account of illness.

I also wish to announce that the senior Senator from Georgia [Mr. HARRIS], the junior Senator from Georgia [Mr. GEORGE], the senior Senator from Florida [Mr. FLETCHER], and the junior Senator from Louisiana [Mr. LONG] are necessarily detained on business of the Senate. I ask that this announcement may stand for the day.

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

NOMINATION OF ANDREW W. MELLON TO BE AMBASSADOR TO GREAT BRITAIN

Mr. REED. Mr. President, the Senate has just received a message from the President of the United States submitting the nomination of Mr. Mellon to be ambassador to Great Britain. I ask, out of order, by unanimous consent, that that nomination be now referred to the Committee on Foreign Relations.

There being no objection, the message of the President was referred to the Committee on Foreign Relations, as follows:

THE WHITE HOUSE, *February 5, 1932.*

To the Senate of the United States:

I nominate Andrew W. Mellon, of Pennsylvania, to be ambassador extraordinary and plenipotentiary of the United States of America to Great Britain, vice Charles G. Dawes, resigned.

HERBERT HOOVER.

I. M. ORNBURN—LETTER FROM THE AMERICAN FEDERATION OF LABOR

The VICE PRESIDENT laid before the Senate a letter from the president of the American Federation of Labor, relative to the appointment of Mr. I. M. Ornburn as a member of the United States Tariff Commission, which was referred to the Committee on Finance and ordered to be printed in the Record, as follows:

WASHINGTON, D. C., *February 4, 1932.*

To the VICE PRESIDENT,
Presiding Officer of the United States Senate,
Washington, D. C.

MR. PRESIDENT: I am writing to advise you that the executive council of the American Federation of Labor, which is now meeting at the headquarters of the American Federation of Labor in this city, unanimously indorsed the appointment of Mr. I. M. Ornburn as a member of the United States Tariff Commission.

I am directed by the executive council to write you, earnestly requesting that the Members of the United States Senate vote in favor of the confirmation of the appointment of Mr. Ornburn. The members of the executive council have known Mr. Ornburn for many years. He has been prominent in the councils of the American Federation of Labor and is held in high esteem and high regard by his associates.

We feel that his training in the field of labor and his knowledge of wages and the relations of wages to tariff schedules fit him in a very large way to serve with distinction and honor as a member of the United States Tariff Commission.

Respectfully submitted.

WM. GREEN,
President American Federation of Labor.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the Woman's Foreign Missionary Society of the East Long Beach (Calif.) Methodist Episcopal Church, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also laid before the Senate resolutions adopted by the Municipal Council of Llorente, Province of Samar, P. I., favoring the granting of unconditional, immediate, and absolute independence to the Philippine Islands, which were referred to the Committee on Territories and Insular Affairs.

He also laid before the Senate a joint resolution of the Legislature of New Jersey, providing for application by the Legislature of New Jersey to the Congress of the United States to call a convention for proposing an amendment to the Constitution for the repeal of Article XVIII (eighteenth amendment, prohibition of the liquor traffic) and the substitution of a new amendment therefor, as provided by Article V of the Constitution, which was referred to the Committee on the Judiciary. (See joint resolution printed in full when presented by Mr. BARBOUR on the 3d instant, p. 3299, CONGRESSIONAL RECORD.)

He also laid before the Senate a joint resolution of the Legislature of Wisconsin, memorializing Congress not to reduce the appropriation for the operation of the United States Forest Products Laboratory, which was referred to the Committee on Appropriations. (See joint resolution printed in full when presented by Mr. BLAINE on the 4th instant, p. 3351, CONGRESSIONAL RECORD.)

He also laid before the Senate a joint resolution of the Legislature of Wisconsin, protesting against any increase in the excise tax on manufactured tobacco, unless absolutely necessary in order to balance the Federal Budget, etc., which was referred to the Committee on Finance. (See joint resolution printed in full when presented by Mr. BLAINE on the 4th instant, p. 3351, CONGRESSIONAL RECORD.)

Mr. BANKHEAD presented memorials numerously signed by sundry citizens of the State of Alabama 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 and letters and papers in the nature of petitions from sundry citizens and organizations in the State of Alabama praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented resolutions adopted by the Methodist Episcopal Sunday School, of Piedmont, and the Bellevue Evangelical Church, of Leona, in the State of Kansas, praying for the maintenance of the prohibition law and its enforcement, and protesting against a proposed modification or repeal of the eighteenth amendment, which were referred to the Committee on the Judiciary.

He also presented petitions numerously signed by sundry citizens of Jefferson County, Lecompton, Manchester, and Winchester, all in the State of Kansas, praying for the maintenance of the prohibition law and its enforcement, which were referred to the Committee on the Judiciary.

Mr. ROBINSON of Indiana presented petitions numerously signed by sundry citizens of the State of Indiana, praying for the maintenance of the prohibition law and its enforcement, which were referred to the Committee on the Judiciary.

He also presented memorials numerously signed by sundry citizens of the State of Indiana, 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.

Mr. JONES presented memorials signed by 856 citizens in the State of Washington, 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 resolutions adopted by aeries of the Fraternal Order of Eagles of southwestern Washington, favoring the passage of legislation to create Federal home loan discount banks, which were referred to the Committee on Banking and Currency.

He also presented resolutions of local chapters of the Woman's Christian Temperance Union of Seattle, Wash., protesting against the proposed resubmission of the eighteenth amendment to State conventions or legislatures, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Colville, Wash., praying for the maintenance of the prohibition law and its enforcement, which was referred to the Committee on the Judiciary.

He also presented resolutions of local chapters of the Woman's Christian Temperance Unions of Burlington, Ellensburg, and Oak Harbor, in the State of Washington, protesting against the proposed resubmission of the eighteenth amendment to State conventions or legislatures, which were referred to the Committee on the Judiciary.

Mr. BARBOUR presented a petition of sundry citizens of Paulsboro, N. J., praying for the maintenance of the citizens' military training camps, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by the executive board of the Parent-Teacher Association of Chatham, N. J., favoring the prompt ratification of the World Court protocols, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by Lillian Council, No. 105, Sons and Daughters of Liberty, of Glassboro, N. J., favoring the passage of House bill 1967, relative to communist and alien enemies in the United States, etc., which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Elmer, Woodstown, and Sharptown, all in the State of New Jersey, remonstrating against a proposed referendum of the eight-

eenth amendment to the Constitution, which were referred to the Committee on the Judiciary.

Mr. COPELAND presented petitions and papers, in the nature of petitions, of sundry citizens and organizations in the State of New York, praying for the maintenance of the prohibition law and its enforcement, and protesting against a proposed referendum on the eighteenth amendment to the Constitution, which were referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the New York Press Association at Syracuse, N. Y., protesting against any increases in second-class postage rates, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the New York Press Association at Syracuse, N. Y., protesting against continuance by the Post Office Department relative to sale and distribution of printing of return addresses on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the New York Press Association at Syracuse, N. Y., indorsing corrective measures relative to the distribution of newspapers and periodicals through the mails containing advertising matter involving chance and guessing contests or similar schemes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the New York Photo-Engravers' Union, No. 1, of New York City, favoring the amendment of the prohibition law so as to permit the manufacture and sale of 4 per cent beer, and also light wines, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Workers and Dorcas Societies of the Methodist Episcopal Church of Copenhagen, N. Y., protesting against the proposed resubmission of the eighteenth amendment to State conventions or legislatures, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Germantown, and of the Zonta Club of Jamestown, in the State of New York, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented a petition signed by Margaret D. Walton, chairman legislative committee, and sundry other members of the Parent-Teacher Association, of Montour Falls, N. Y., praying for the outlawry of war, which was referred to the Committee on Foreign Relations.

He also presented a statement by William F. Montavon, director legal department, National Catholic Welfare Conference, at a hearing before the House Committee on Labor, with reference to House bill 8088 (by Mr. LEWIS) and Senate bill 3045, a bill to provide for cooperation by the Federal Government with the several States in relieving the hardship and suffering caused by unemployment, and for other purposes, which was ordered to lie on the table.

CONDITIONS IN HAWAII

Mr. BINGHAM. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from V. S. K. HOUSTON, Delegate in Congress from Hawaii.

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 3, 1932.

Hon. HIRAM BINGHAM,
United States Senate,
Chairman Committee on Territories and Insular Affairs,
Senate Office Building.

MY DEAR SENATOR BINGHAM: In view of the fact that the unfortunate happenings in Hawaii were made the subject of an investigation in your committee, may I not take this opportunity of advising you that the Legislature of the Territory of Hawaii, which had been called into special session on January 18, 1932, for the purpose of passing corrective measures, recessed on February 2, having completed the program that had been set before it.

This program includes measures providing for an appointive police commission, which in turn has the power of appointing a chief of police. This in place of the then existing statute, which calls for an elective sheriff and chief of police. The commission has been appointed and contains men of the highest character. They in turn have made an acting appointment for the chief of police position.

A bill adding the death penalty to the punishment provided for the crime of rape and amending the statute with respect to evidence in such cases removing the statutory requirement as to corroboration, so that such matters of evidence will be based upon the established common law was passed and is now law.

There was also passed an amendment to the existing antiloitering act increasing the fine from $100 to $250. The statute with respect to challenging of jurors was amended in general terms reducing the number of peremptory challenges and providing for a further reduction in peremptory challenges when two or more defendants are jointly placed on trial.

And finally, the legislature passed a bill providing for the appointment of a public prosecutor for the city and county of Honolulu, which is comprised of the whole island of Oahu. This measure was the most controversial, and went to conference between the two houses. The measure as finally adopted is hereto appended.

I have every confidence that the measures taken by the Territorial administration and the Territorial legislature will prove of immense value in the correction of the defects that have been brought to the fore by the unhappy circumstances of the last six months.

May I not ask that the record in the investigations be completed by the addition of this correspondence?

Very sincerely yours,

V. S. K. HOUSTON,
Delegate in Congress from Hawaii.

[Naval message received at Navy Department]

FEBRUARY 2, 1932.

SECRETARY OF INTERIOR,
Washington:

Both houses of legislature to-day adopted report of conference committee on senate bill No. 2, public prosecutor bill. The measure as passed by legislature reads in full as follows:

"An act to provide for a public prosecutor for the city and county of Honolulu by amending chapter 118 of the Revised Laws of Hawaii, 1925, by adding thereto eight new sections and by amending sections 1751, 1815, 2560, 2562, and 4012 of said revised laws and all other laws relating (100) to the city and county attorney to conform thereto

"*Be it enacted by the Legislature of the Territory of Hawaii:*

"SECTION 1. Chapter 118 of the Revised Laws of Hawaii, 1925, is hereby amended by adding thereto the following sections:

"'SEC. 1822 (a). Office of public prosecutor established: There is hereby created the office of public prosecutor of the city and county of Honolulu. The public prosecutor shall be appointed by the mayor of said city and county, with the approval of the board of (200) supervisors, for a term of two years: *Provided, however,* That the term of the first appointee shall be the period expiring January 1, 1935, and that he shall only be removable as immediately hereinafter provided: *Provided, however,* That he may be removed by the attorney general, with the approval of the governor, at any time for reasons which appear to be sufficient, in their discretion, and no person so removed by the attorney general shall be reappointed without the approval of the attorney general.

"'SEC. 1822 (300) (b). Deputy of attorney general: The public prosecutor shall be a deputy of the attorney general of the Territory and shall report to the attorney general from time to time as may be required by him.

"'SEC. 1822 (c). Assistant public prosecutors, clerks, etc.: The public prosecutor of the city and county may appoint and remove at pleasure such assistant public prosecutors, clerks, stenographers, interpreters, and other assistants with such qualifications and at such salaries as may be allowed by the board of supervisors. (400) At the request of the public prosecutor one or more officers of the police department shall be permanently detailed by the chief of police of the city and county for the purpose of doing detective work necessary in preparing and presenting the litigation of the office, who shall continue to serve on such detail during the pleasure of the public prosecutor.

"'SEC. 1822 (d). Salary: The salary of the public prosecutor shall be $7,500 per annum, payable monthly out of the city and county treasury.

"'SEC. 1822 (500) (e). Private practice forbidden: Neither the public prosecutor of the city and county nor his assistants shall receive any fee or reward from or on behalf of any person for services rendered or to be rendered in any prosecution or business to which it shall be their official duty to attend, nor shall the public prosecutor or his assistants engage in the private practice of law.

"'SEC. 1822 (f). Accounts to board of supervisors: The public prosecutor shall make an annual report to the board of supervisors of the city and (600) county of the transactions and business of his department, showing the revenues and expenditures of his office and a summary of all the business transacted by his office for the preceding year.

"'SEC. 1822 (g). Duties: Public prosecutor, either in person or by an assistant shall:

"'1. Attend all courts in the city and county and, under the control and direction of the attorney general, conduct on behalf of the people all prosecutions therein for offenses against the laws of the Territory and the ordinances of the board (700) of supervisors of the city and county.

"'2. Appear in every criminal case where there shall be a change of venue from the courts in the city and county and prosecute the same in any county in which the same shall be changed or removed. The expense of such proceedings shall be paid by the city and county.

"3. Institute proceedings or direct the chief of police to do so before the magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed, and for that purpose take charge of criminal cases before the district magistrates, either in person or by an assistant, or by the chief of police or any of his assistants, or by such other prosecuting officers as he shall appoint; draw all indictments and attend before and give advice to the grand jury whenever cases are presented to them for their consideration: *Provided, however,* That nothing herein contained shall prevent the institution or conduct of proceedings by private counsel before magistrates or courts of record under the direction of the public prosecutor.

"4. Deliver receipts for money or property received in his official capacity and file duplicates thereof with the city and county treasurer.

"5. On the first Monday of each month file with the auditor an account, verified by his oath, of all money received by him in his official capacity during the preceding month, and upon receipt of the auditor's certificate thereof pay such moneys over to the city and county treasurer.

"SEC. 1822–H, Sections 2560, 2562, and 4012 of the Revised Laws of Hawaii, 1925, are hereby amended by substituting the words "public prosecutor" for the words "city and county attorney" wherever the latter words appear in said sections. In all other provisions of law dealing with criminal law and criminal procedure and other matters which by sections 1822–A to 1822–H, both inclusive, are placed under the jurisdiction of the public prosecutor, the words "city and county attorney," or equivalent expressions wherever used therein, shall be taken to mean and refer exclusively to the public prosecutor in so far as they so deal with criminal law and criminal procedure.

"SEC. 2. Transfer of records—duty to furnish quarters: All the files and records of criminal cases now in the possession of the city and county attorney are hereby transferred to the public prosecutor. The board of supervisors shall make available to the public prosecutors and his staff sufficient and proper accommodations and augment for their use.

"SEC. 3. Section 1751 of the Revised Laws of Hawaii, 1925, hereby amended to read as follows:

"'SEC. 1751. Officers: The officers of the city and county shall be a mayor, board of supervisors, a sheriff, who shall be ex officio; a city and county clerk, who shall be ex officio clerk of the board of supervisors; an auditor, a treasurer, and a city and county attorney, all of whom, except the city and county attorney, shall be elected at large by the duly qualified electors of the city and county: *Provided, however,* That commencing January 1, 1933, the mayor, with the approval of the board of supervisors, shall appoint the city and county attorney for a term of two years: *Provided, however,* That he may be removed by the attorney general, with the approval of the governor, at any time for reasons which appear to be sufficient in their discretion; and no such person so removed by the attorney general shall be reappointed without the approval of the attorney general: *And provided further,* That the public prosecutor may be appointed city and county attorney, in which event he shall only be entitled to receive the salary for one office.'

"SEC. 4. Section 1815 of the Revised Laws of Hawaii, 1925, as amended by act 65 of the session laws of 1925, is hereby amended to read as follows:

"'SEC. 1815. General duties: The city and county attorney, or his deputy or deputies, shall—

"'1. Attend all courts in and for the city and county and conduct on behalf of the people all civil cases in which the city and county is interested.

"'2. Appear in every civil case in which the city and county is interested where there shall be a change of venue and prosecute or defend the same in any county to which the same shall be changed or removed; the expenses of such proceedings shall be paid by the city and county.

"3. Defend all suits brought against the city and county wherever brought, prosecute all recognizances forfeited in the courts of record, assist the tax assessor of his taxation division in the collection of delinquent taxes, and prosecute all persons for the recovery of debts, fines, penalties, forfeitures, and other claims accruing to the Territory or the city and county.

"4. Deliver receipts for money or property received in his official capacity and file duplicates thereto with city and county treasurer.

"5. On the first Monday of each month file with the auditor an account verified by his oath of all moneys received by him in his official capacity during the preceding months, and upon receipt of the auditor's certificate therefor pay such moneys over to the city and county treasurer.

"SEC. 5. Constitutionality: If any section, subsection, sentence, clause, or phrase of this act is, for any reason, held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have approved this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

"SEC. 6. Repeal of conflicting provisions: All provisions of law in conflict with this act are superseded by the provisions hereof to the extent of such conflict.

"SEC. 7. This act shall take effect upon its approval."

JUDD, *Governor.*

EXPORT AND IMPORT RATES

Mr. TRAMMELL. Mr. President, I ask unanimous consent to print in the RECORD resolutions adopted by the board of directors of the New Orleans Association of Commerce in regard to import and export rates from Atlantic coast points.

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

NEW ORLEANS ASSOCIATION OF COMMERCE,
January 30, 1932.

Hon. PARK TRAMMELL,
United States Senate, Washington, D. C.

DEAR MR. TRAMMELL: Attached find copy of action taken by the board of directors of the New Orleans Association of Commerce in connection with Interstate Commerce Commission Docket, Fourth Section Application No. 2040, et al., Export and Import Rates to and from South Atlantic and Gulf Ports, 169 I. C. C. 13.

Your cooperation in this matter is earnestly solicited.

Very truly yours,

H. VAN R. CHASE,
General Manager.

Resolutions adopted at the eleventh annual Middle West foreign trade and merchant marine conference at Louisville, Ky., October 28-29, 1931, unanimously approved by the board of directors of the New Orleans Association of Commerce at special meeting held Wednesday, January 27, 1932, upon recommendation of its foreign trade bureau

Whereas as a result of orders of the Interstate Commerce Commission in a proceeding designated as "Interstate Commerce Commission Docket, Fourth Section Application No. 2040, et al., Export and Import Rates to and from South Atlantic and Gulf Ports, 169 I. C. C. 13," carriers operating between points in Central Freight Association territory and the Middle West on the one hand and South Atlantic and Gulf ports on the other, will be required to publish a new and revised basis of rates on export and import traffic, now scheduled to become effective December 3, 1931; and

Whereas rates conforming to the requirements of said orders as above referred to will materially curtail and in many instances prohibit the use of South Atlantic and Gulf ports and competitive steamship services between such ports and ports of the world by shippers and receivers of foreign commerce located in Central Freight Association territory and the Middle West; and

Whereas certain carriers operating in Central Freight Association territory propose to discontinue to participate in any rates on export and import traffic between points in Central Freight Association territory and South Atlantic and Gulf ports which are less than the rates concurrently applied on domestic shipments, while continuing to participate in rates lower than the domestic rates between points on their lines and North Atlantic, Canadian, and Pacific coast ports; and

Whereas the preservation of competitive rates, routes, and services via South Atlantic and Gulf ports between points in Central Freight Association territory and the Middle West and foreign countries is necessary and vital to the welfare and prosperity of industry in Central Freight Association territory and the Middle West; and

Whereas as shown by its report in the proceeding above referred to, the objectionable provisions of the order of the Interstate Commerce Commission emanate from the minimum rate provisions of section 4 of the interstate commerce act: Now, therefore, be it

Resolved, That this organization go on record as vigorously opposing the minimum-rate provisions of section 4 of the interstate commerce act, specifically as applied to rates applicable on export and import traffic; and be it further

Resolved, That the Middle West Foreign Trade Committee, through its proper officers, take the necessary steps to secure suspension of and investigation by the Interstate Commerce Commission of any cancellation or attempted cancellation of participation in export and import rates by Central Freight Association lines to and from South Atlantic and Gulf ports which are lower than concurrent domestic rates, and participate in such proceeding for the protection of Central Freight Association and Middle West shippers and receivers; and be it further

Resolved, That copies of these resolutions be sent to Senators and Congressmen representing Central Freight Association, Middle West, South Atlantic and Gulf States, with the urgent request that they sponsor and secure the enactment of legislation exempting export and import traffic from the provisions of section 4 of the interstate commerce act; and be it further

Resolved, That copies of these resolutions be also sent to all trade bodies, commercial organizations, and shippers in Central Freight Association territory and the Middle West and at the South Atlantic and Gulf ports, and that such trade bodies, commercial organi-

zations, and shippers be requested and urged to adopt appropriate resolutions and take action consistent with the aims and purposes of these resolutions.

RELIEF OF UNEMPLOYMENT

Mr. METCALF. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a telegram from the Chamber of Commerce of Providence, R. I., relative to the bill which is now the unfinished business before the Senate.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

PROVIDENCE, R. I., *February 4, 1932.*

Hon. JESSE H. METCALF,
United States Senate:

The board of directors of the Providence Chamber of Commerce, speaking for its membership, has expressed itself as emphatically and unalterably opposed to the principles of the so-called La Follette-Costigan bill for Federal relief. We believe strongly that such relief should be administered and financed by the local governments without any Federal appropriations for such purposes. We urge that you use your best efforts for the defeat of the bill under consideration.

ARCHIE W. MERCHANT, *President,*
RICHARD B. WATROUS, *General Secretary,*
Providence Chamber of Commerce.

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

Mr. CAPPER. Mr. President, I ask unanimous consent to print in the CONGRESSIONAL RECORD and have appropriately referred resolutions from the William Newton Clark Brotherhood of Hamilton, N. Y., in support of the proposed Capper-Sparks amendment to the Constitution of the United States by which unnaturalized aliens would be excluded from the count in the apportionment of Representatives in the National House of Representatives and in apportioning presidential electors.

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

To the Congress of the United States:

Whereas the State of New York has had for 37 years a provision in its State constitution "excluding aliens" from the count of the State population for representation in the State legislature, the States of Maine, Massachusetts, North Carolina, Tennessee, Kansas, Idaho, and California also having at least substantially equivalent provisions; and

Whereas this provision which makes the legislature representative only of citizens of the United States, in harmony with the more recent practice by which no State now allows aliens to vote at the polls, is capable of direct application free from complication by any enforcement problems; and

Whereas this provision has worked well in New York, there being no objection to its justice and soundness as a matter of public policy; and

Whereas its existence for 37 years in the constitution of this State without any serious charge that it raises any issue of creed, race, or party, establishes conclusively that no such issue is involved in the principle; and

Whereas under the provisions of the Constitution of the United States millions of unnaturalized foreigners are counted for representation in Congress the same as citizens, thus creating a situation under which it may some day be possible for the representatives of such unnaturalized foreigners, controlled by alien-exploiting political machines in great cities, working together as a bloc, to vote control of the Government of the United States away from the representatives of the majority of the citizenship on some issue vital to the national welfare: Therefore be it

Resolved, That we, the members of the William Newton Clark Brotherhood, of Hamilton, N. Y., do respectfully request the Congress of the United States to submit at the earliest feasible date to the States for their ratification a resolution for an amendment to the Constitution of the United States embodying the same principle, in some such form as that suggested by the Sparks-Capper stop alien representation amendment, reading as follows:

"ARTICLE XX. Aliens shall be excluded from the count of the whole number of persons in each State in apportioning Representatives among the several States according to their respective numbers,"

which was favorably reported 13 to 7 by the Judiciary Committee of the House of Representatives in the last Congress and which is now before the Committees on the Judiciary of the Senate and House of Representatives of the United States; and be it further

Resolved, That we respectfully request the Senators and Representatives from the State of New York in the Congress of the United States to vote in favor of the submission of such amendment and to use all possible legitimate effort to procure its favorable report by the committees of the two Houses of Congress and a speedy vote upon its merits, so that the Legislature of the State of New York may have an opportunity to vote upon its ratification before the adjournment of this session of the Legislature of the State of New York.

PHILIPPINE INDEPENDENCE

Mr. HAWES. Mr. President, formal hearings before the Senate Committee on Territories and Insular Affairs in the matter of Philippine independence will begin on Monday, February 8, and, I believe, proceed to a conclusion with a report to this body. Hearings on the same subject are now proceeding before the House Committee on Insular Affairs.

Our policy in relation to the Philippines has always been one of doubt and uncertainty. Even as far back as 1899, when the Philippine question was first brought up in the Senate, a resolution providing for a definite policy was defeated by only one vote.

Sixteen years later, when the Jones Act was before the Senate, the Clarke amendment, providing for our definite withdrawal after a fixed period, was approved by only one vote. That amendment failed of adoption in the House of Representatives by a very small margin.

When the Supreme Court interpreted the status of the Philippine Islands in relation to the sovereignty of the United States the decision was rendered by a divided opinion of 5 to 4, showing again an uncertainty.

It will thus be seen that our whole history in the Philippines has followed a course of uncertainty. While the Presidents and the Congress of the United States have expressed the national policy with regard to the Philippine Islands, procrastination in the carrying out of such policy and evasion of our clear duty in the past have rendered our policies equally uncertain in the minds of the people of both the United States and of the Philippines.

In 1924, eight years after the passage of the Jones Act, bills were introduced in the Senate providing for the immediate independence of the Philippines by the late Senator Robert M. La Follette, of Wisconsin, and Senator WILLIAM H. KING, of Utah.

The acting chairman of the Committee on Territories and Insular Affairs of the Senate at that time was the late Senator Willis, of Ohio. Long hearings were held by the Senate committee on those bills. After the hearings the acting chairman of the committee addressed a communication to the then Secretary of War of the United States, the Hon. John W. Weeks, outlining the views of the committee in relation to Philippine independence, and requesting the Secretary of War to inform the committee as to the provisions which the Department of War would recommend should be included in the bill covering certain specific points.

The letter of Senator Willis, which I ask to have inserted in the RECORD, points out that there was a general agreement on the part of the members of the committee in favor of fixing a definite date for the withdrawal of American sovereignty; that it was the opinion of some members of the committee that the date should be January 1, 1930, of others January 1, 1935. The letter stated that there was only one member of the committee who was of the opinion that there should be a later date fixed.

I have some correspondence passing between the chairman of the Committee on Territories and Insular Affairs in 1924, and the Secretary of War which has not heretofore been published. I should like to have permission to have it inserted in the RECORD, and ask that it may be referred to the Committee on Territories and Insular Affairs.

The VICE PRESIDENT. Without objection, the correspondence referred to by the Senator from Missouri will be printed in the RECORD.

The correspondence is as follows:

UNITED STATES SENATE,
COMMITTEE ON TERRITORIES AND INSULAR AFFAIRS,
March 27, 1924.

Hon. JOHN W. WEEKS,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: At a meeting of the Committee on Territories and Insular Affairs, I was directed informally to advise you that a majority of the committee is of the opinion that Senate bill 912 "providing for the withdrawal of the United States from the Philippine Islands" should be favorably reported with the following suggestions and conditions:

That a final and complete withdrawal of the Government of the United States from the Philippine Islands should take place

on or after January 1, 1935, upon compliance with the following conditions:

1. A vote of a majority of the whole people of the Philippines eligible to vote.

2. Cession to the United States in perpetuity of all sovereignty over Cavite and Corregidor and all lands and waters within a radius of 5 miles thereof.

3. Refunding of all bonds of the Philippine Government and of its municipalities and political subdivisions, now held by citizens or nationals of the United States.

It should be added that while it was the opinion of some members of the committee that January 1, 1935, should be the date of final withdrawal, others were of the opinion that the date should be instead, January 1, 1930. One member of the committee was of the opinion that the date of final withdrawal should be postponed to a date even later than 1935, it being the informal opinion of the committee that some date should be fixed for the termination of the connection of the Government of the United States with the government of the Philippine Islands.

It is very earnestly requested that you make to the committee such suggestions as to conditions of withdrawal, etc., as you deem advisable.

Very respectfully,

FRANK B. WILLIS,
Acting Chairman.

Mr. HAWES. To this communication of the acting chairman of the committee the Secretary of War replied, under date of April 21, 1924, as follows:

WAR DEPARTMENT,
Washington, April 1, 1924.

Hon. FRANK B. WILLIS,
Acting Chairman Committee on Territories and Insular Affairs, United States Senate.

MY DEAR SENATOR WILLIS: I have heretofore acknowledged your letter of March 27 advising me that a majority of the Committee on Territories and Insular Possessions of the Senate is of the opinion that Senate bill 912, "providing for the withdrawal of the United States from the Philippine Islands," should be favorably reported, with suggestions and conditions which you set forth.

The outstanding condition recited and which would necessarily govern the treatment of the other conditions is "that a final and complete withdrawal of the Government of the United States from the Philippine Islands should take place on or after January 1, 1935."

I believe that I have heretofore made it clear that, in the opinion of the department, this period of 10 years is not adequate to the accomplishment of the purpose which has justified our entering and remaining in the Philippine Islands. It is difficult to say what time would be necessary, but I would regard 20 years as the minimum in which we could hope fairly to accomplish our purpose.

While I feel it, therefore, necessary again to set forth this view of the problem, I have attempted to comply fully with your suggestions, and am inclosing a memorandum and draft of a bill which would seem to be a fair compliance with your suggestion, and have included, as suggested by you, other suggestions as to the conditions of withdrawal.

It will be observed in the bill that there is no provision for "a vote of a majority of the whole people of the Philippines eligible to vote." The reason for this omission is stated in the memorandum, but if your committee desires, it might be readily inserted in the bill.

Sincerely yours,

JOHN W. WEEKS,
Secretary of War.

MEMORANDUM—FINAL AND COMPLETE WITHDRAWAL FROM THE PHILIPPINES ON OR AFTER JANUARY 1, 1935

The acting chairman of the Senate Committee on Territories and Insular Possessions informally advised that a majority of that committee favors reporting a Philippine independence bill, with the following suggestions and conditions:

That upon compliance with certain conditions stated "a final and complete withdrawal of the Government of the United States from the Philippine Islands should take place on or after January 1, 1935."

This means that in the next 10 years the United States should complete the task imposed on itself in the Philippine Islands of preparing the people of those islands independently to operate an efficient government, satisfactory at least to the people of the islands.

This period obviously is short for the task indicated. It would probably be inadequate even to educate the people so that the first of the subconditions quoted below can be fairly complied with; that is, a period of 10 years is hardly sufficient, starting from the conditions of to-day, to educate the masses of the Philippine people to the point where they can, with a fair knowledge of the meaning of the proposition, vote intelligently on the question of separating themselves from the protection and assistance of the United States.

Assuming, however, that the date is definitely fixed, it is now desired that the department suggest conditions of withdrawal, etc.

The following conditions are those of the majority of the committee:

"1. A vote of a majority of the whole people of the Philippines eligible to vote."

This condition presents the difficulty that if the other conditions are to be satisfied, the government must proceed for a number of years with the idea that the result of the vote will be for independence, and therefore it is believed that if it is the intention of Congress to grant to the Filipinos their independence at a fixed date in the future, no plebiscite should be required as a prerequisite to so doing.

"2. Cession to the United States in perpetuity of all sovereignty over Cavite and Corregidor and all lands and waters within a radius of 5 miles thereof."

This is a question on which, in so far as the War Department is concerned, the approved views of the joint board would be controlling. Those views have been requested. It is anticipated that the views in 1933 rather than at present should control and this memorandum is prepared on that basis.

"3. Refunding of all bonds of the Philippine government and of its municipalities and political subdivisions, now held by citizens or nationals of the United States."

It is believed that the clause "now held by citizens or nationals of the United States" should be omitted, as the responsibility of the Government, moral or otherwise, covers the obligation and should be extended to any holder thereof. These bonds have been issued under the authority of specific laws of Congress, and the moral responsibility of the United States for the payment of interest and principal on these obligations has been announced publicly when the bonds have been offered. This announcement has been governed by opinions of the Attorney General of the United States. It is essential, therefore, that in some way the United States should see that bonds so issued and so sold should be paid in full. The bonds of the Philippine government and of its provinces and municipalities are being issued in pursuance of congressional legislation. See acts amending the present organic act, approved July 21, 1921, and May 31, 1922. Such obligations are exempted from taxation within the United States under section 1 of the act of February 6, 1905.

So long as these acts are unrepealed, the Philippine government may contract indebtedness to the limits fixed and bonds issued by that government will be tax exempt in the United States. The moral responsibility of the United States for such issues will probably continue. It is, therefore, essential in any scheme of providing for the relief of the United States of its obligations in the promises that this legislation be modified.

In addition to the obligations described, certain other bonds have been issued by corporations under specific authority of Congress and guaranteed as to principal by the Philippine government. The obligations of the United States as to this interest charge is quite the same as in the case of the principal and interest on the Philippine government bonds. To provide at this time that the Philippine government should not contract from time to time as absolutely necessary indebtedness would unnecessarily hamper the government during the next 10 years.

This situation should be met in whatever bill may be passed. The Philippine government should be permitted on its own responsibility to take the necessary steps to refund obligations now outstanding, and at the same time to contract the necessary indebtedness to meet conditions that may arise without involving the United States in any obligation, moral or otherwise. The letter calls for other conditions of withdrawal deemed advisable, and it would be an obvious neglect not to invite attention to other important conditions which should be inserted in any bill providing for the American withdrawal from the Philippine Islands.

A precedent in the case of Cuba was to require the insertion of these conditions in the constitution of the newly formed government, and that they be embodied in a permanent treaty between the United States and said government.

Hereto attached is a draft of a bill embodying what are believed to be essential conditions in addition to those suggested in your letter.

THE PROPOSED BILL

Section 2 of the proposed bill describes the territory of the government to be created and provides for the retention by the United States of such land and water as Congress may, after the recommendation of the Executive in the premises, decide to retain. This section, together with numbered paragraph 1 of section 4, provides for the recognition of the sovereignty of the United States over this retained territory. It would probably be unwise to commit the United States at this time to the retention of specified territory. The bill, therefore, provides that the President in 1933 shall make his recommendation to Congress in the premises. Congress may act on this recommendation, in which case its action will determine the Executive action. If Congress does not act, the President will act in accordance with his own view in the premises.

Sections 5 and 6 are a compliance with numbered paragraph 3, and, taken together, provide a means by which the Philippine government may refund all outstanding obligations for which the credit of the United States Government is in any way pledged.

Section 5 permits the Philippine government to issue obligations within the limits now fixed, but makes it clear that those obligations are issued on its own responsibility. This would be necessary in order to enable the government to refund, as provided, its present obligations.

Section 6 provides that the government shall make available to the Treasury of the United States funds sufficient to meet outstanding obligations prior to January 1, 1933.

Sections 7 and 8 provide for the preparation of the constitution of the new government and its submission to the President and Congress. This would seem a necessary precaution. Section 8 provides for the transfer, free of charge, to the new government of all immovable property of the United States within the territory subject to the jurisdiction of the new government. The property thus transferred will be of great value. The real estate was, in part, received from Spain and, in part, has been purchased by the United States. This property has been improved in many ways. The President is authorized to retain as property of the United States such as may be suitable for the Diplomatic and Consular Service of the United States. This should include residences and offices in Manila and residences and land at Camp John Hay and, if practicable, quarters and offices at Cebu, Iloilo, Zamboanga, and at such other points as consular offices might be established. As a slight compensation for the valuable property transferred to it, the newly created government takes over the obligation by way of pensions, etc., of the United States to Philippine citizens under clause 5 of section 4. It is essential almost that the United States relieve itself of its obligations to Philippine citizens, as it would be in a difficult position to perform them under the new conditions. It is also proper that the United States should see that Philippine citizens who have served it should receive credit for such service from the new government. These are the two principal obligations imposed on the Philippine government to repay the United States in part for property transferred to it.

Section 9 provides for the repeal of all legislation modifying general laws of the United States due to our present relations to the Philippine Islands. The more important laws thus affected would be the United States tariff act, the revenue act, the immigration laws, and naturalization laws.

Section 10 provides in the customary language for a government of the retained territory under the Executive until Congress shall act. This is as definite as it is believed it could be in view of the possible contingencies. This is important in compliance with subparagraph 2 of the latter from the acting chairman of the committee. It does not, however, commit the United States in advance to a prescribed territory.

Section 4 includes the obligations imposed on the new government which continue after its organization. Such of these as seem to require a word of explanation have heretofore been referred to.

This bill is drawn to conclude in so far as possible congressional work pertaining to the islands.

Mr. HAWES. Mr. President, subsequent to this correspondence, the chairman of the Committee on Insular Affairs of the House of Representatives introduced a bill, which was later known as the Fairfield bill, providing for the independence of the Philippine Islands after the expiration of a period of 25 years from the passage of the act, and meanwhile placing the whole government of the Philippine Islands in the hands of their people.

Hearings were held on this bill by the House committee and at the conclusion of the hearings the bill was ordered reported favorably.

In the meantime, the chairman of the Senate Committee on Territorial and Insular Affairs, Senator JOHNSON, of California, on May 20, 1924, introduced a bill in the Senate practically identical with the Fairfield bill in the House, and proving for definite withdrawal of American sovereignty from the Philippines after a period of 25 years.

On May 28, 1924, the Secretary of War appeared before the Senate Committee on Territories and Insular Affairs, and submitted a statement in support of the Johnson bill, which I desire to insert in the RECORD.

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

The statement referred to is as follows:

STATEMENT OF THE SECRETARY OF WAR BEFORE THE SENATE COMMITTEE ON TERRITORIES AND INSULAR POSSESSIONS, ON MAY 28, 1924, ON S. 3373

When I came before the committee on the 1st of March I suggested that there be inserted in the record of my hearing a short prepared statement that I had made to the House committee. In that statement I said:

"The petition for immediate independence is so manifestly against the material interests of the Filipino people that with the known protests of Filipinos against such action it brings up very seriously the question as to whether the present request for independence represents the mature view of the Filipino people advised as to the results thereof.

"The conclusion is unavoidable that the present demand for immediate, complete, and absolute independence is not the informed desire of the Filipino people."

Since that hearing I have no reason to change my views on the subject. I am at this time urging the passage of this bill because of my belief that if it is passed at this session it will receive the earnest support of the Philippine leaders and will be satisfactory to the people of the islands. By this I do not mean that every detail of the bill would meet either their approval or my own, but that in general form and content the bill is satisfactory.

This bill is a final form of a bill which has been discussed by the members of the mission from the Philippine Islands since 1922, when the original form of the bill was drawn at the instance of certain members of the mission from the islands. Changes have been suggested and made therein on the recommendation of the Philippine mission and by Americans interested in the Philippine Islands.

Briefly, the bill authorizes the Philippine people, by means of a constitutional convention, to create in the Philippine Islands a constitutional government with a constitution prepared by themselves.

The bill requires that certain safeguards shall be included in the constitution, that the constitution as prepared shall be submitted to the President and to Congress for approval and shall not be of effect until so approved. It provides that the constitution may not thereafter be amended without the approval of Congress.

The Philippines would continue territory of the United States not incorporated into the Union and, therefore, subject to the control of Congress.

The bill provides that upon the expiration of 25 years after the passage of the act the Philippine Islands shall be recognized as an independent government, and the President is authorized to take the necessary steps to protect the interests of the United States and of the citizens of the United States and foreign countries preliminary to withdrawing the sovereignty of the United States, and is further authorized to retain title to such property as may thereafter be useful to the United States.

The grant of independence:

When and shall it be submitted to the people for determination?

The bill proposes to fix the date of independence at 25 years from the passage of the act. The date, of course, should be fixed with reference to the inauguration of the new government in the Philippine Islands, and in the bill which has been reported to the House, the words "after the passage of this act" reads "after its inauguration," and these words are a decided improvement.

In the bill as originally introduced in the House there was a provision for a plebiscite. This was stricken out when the bill was reported to the House and does not appear in the bill under discussion. In other words, under this bill, at the date fixed, the United States withdraws its sovereignty from the Philippine Islands and the retention of the islands after that date would require an affirmative act on the part of the United States.

The bill implies no promise of taking such action, even though requested by the Philippine people. It might be held that if a plebiscite were authorized in the bill, the United States would be morally committed to continuing its sovereignty in the Philippine Islands if it were requested to do so. The Philippine people may, of course, under this bill have a plebiscite if they so desire, but there is no committal on the part of the United States that the plebiscite would be effective in inducing the United States to continue in the islands.

In other words, at the expiration of the 25 years the continuance of the Philippines under American sovereignty would require affirmative approval by both the Filipino people and the United States. It may be possible that at that time the mutual advantage of some intimate relationship will be so evident, both to the Filipinos and to the people of the United States, that a continuance of the relationship would be desirable, and, of course, no present action would be a bar to this continuance if both parties are desirous thereof; but there must be a separation under this bill if either the Filipino people desire separation or if the United States desires it.

The degree of autonomy to be provided:

The bill is liberal in this respect and grants to the Philippine people all that their leaders desire in the matter of autonomy.

What safeguards are to be retained by the sovereign power:

These safeguards are set forth in the provisions of section 3 to be included in the constitution of the Commonwealth, in section 4 which requires the approval of the constitution, section 6 which requires that the amendments thereafter shall be approved by the President and Congress, and in section 8 which authorizes the United States commissioner to the Commonwealth and confers on the President certain specific authority.

My reason for urging the passage of the bill at this session is that I believe that in that way it will secure the more readily the approval of the Filipino leaders and, following them, the Filipino people. It will remove the question of independence from local politics in the Philippine Islands and will give to the people of the islands a period which can be devoted to the development of the wealth of the islands and the prosperity of the people. The end of continued agitation is necessary to these purposes, and without the passage of this bill there is every reason to believe that the agitation will continue, discouraging alike the investment of capital from abroad and the utilization of the capital now withheld from development in the islands.

If the bill can be passed at this session, it would be an accomplishment which must alike be pleasing to the American and to the Filipino people. If the bill can only receive at this session, through passage by one House or through favorable reports from the committees of both Houses, the approval implied by such action, it would, nevertheless, be of advantage as inviting an expression from the Filipino people and legislature of their views. Next year is a political year in the Philippine Islands, and if the present situation drags until that time, the independence question must again become a local party question, the leaders, perhaps, as in the past, justifying radical positions by the fact that such views

have in the past received the approval of the public. It is desired to avoid this situation.

Certain details of the bill, I think, could be improved. For example, it should be made clear that an executive department of our Government would be charged specifically with the supervision of Philippine affairs, as at present; and as this function is now performed by the War Department, I think it should so continue; that is, the duties imposed on the President must necessarily be exercised through some department if the President is to be in a position to act promptly and advisedly.

I would suggest, therefore, that in section 6, which provides certain specific duties of the President under the act, it should be provided:

"The President is authorized to exercise his control and supervision over affairs of the commonwealth of the Philippines through the War Department."

The last sentence in section 8 should be stricken out and replaced by the following:

"The annual appropriation bill of the Philippine government shall provide for the salary of the United States commissioner, $18,000 per annum, and expenses, $12,000 per annum, and the expenses of his office in an amount to be approved by the President."

It is intended that this official shall be of great value to the Philippine government to be created and that his necessary expenses should be paid by that government. It should not be assumed that this is a payment from taxes on Filipinos. It will be but a small part of the amount annually turned over to the Philippine government by the United States under existing law.

Section 10, line 17, the words "after the passage of this act" should be stricken out and replaced by "after its inauguration."

Finally, it is most important that section 12 should clearly provide what seems obviously intended. I would therefore suggest adding to that section:

"All laws or parts of laws applicable to the present Philippine government and to the provinces and municipalities thereof will continue to apply to the commonwealth created under this act and the provinces and municipalities thereof until altered, amended, or repealed by the legislative authority of the commonwealth or by act of Congress of the United States."

I am told that the Philippine mission in the city would like to have paragraph (q) of section 3 omitted. This would have the effect of not requiring that provision to be inserted in the constitution of the new commonwealth. I have no objection to its omission.

The mission would like to have the 25 years in section 10 made 20 years. If the change that I have suggested above be made so that it would be "20 years after its inauguration," I think the change would be a fair compromise.

It would also like to have section 3 (o) read thus:

"The Supreme Court of the United States shall have jurisdiction as now or as may be hereafter provided by act of Congress."

The mission, likewise, prefers that certain wording in section 10, which was taken originally from the Clarke amendment which passed the Senate in 1916, be restored, so that the second sentence would read:

"The President is hereby invested with full power and authority to make such orders and regulations and to enter into such negotiations with the authorities of said Philippines or others as may be necessary to finally settle and adjust all property rights and other relations as between the United States and the said Philippines, and to cause to be acknowledged, respected, and safeguarded all of the personal and property rights of citizens or corporations of the United States and of other countries resident or engaged in business in said Philippines or having property interests therein. In any such settlement or adjustment so made in respect to the rights and property of the United States as against the said Philippines the President may reserve or acquire such lands and rights and privileges appurtenant thereto as may, in his judgment, be required by the United States for naval bases and coaling stations and diplomatic purposes within the territory of said Philippines."

And I can see no objection to the proposed changes.

In response to an inquiry, the Secretary of War said that holders of bonds of the Philippine government or of bonds that had been issued with interest guaranteed by that government were fully protected under the pending bill. Many of the bonds now outstanding will have been redeemed before the 25-year period has passed. The interest on the railroad bonds now outstanding, payment of which is guaranteed by the Philippine government, will have all been paid prior to the expiration of this period, but under section 10 of the bill the President is charged with the responsibility and given the necessary authority to protect all such investors.

He added that while he was in full sympathy with granting this protection, he felt that the protection could not be made more complete by any action which could be taken at this time, and that the President at the end of the time would have all the powers in the premises which could now be granted him.

Mr. HAWES. Mr. President, in his testimony the Secretary of War urged upon the Congress the necessity of definitely defining American policy in the Philippines and the setting of a date for the independence of the Philippine Islands. The Secretary of War testified that in his opinion a period of 20 years after the inauguration of the new government provided in the bill would be a reasonable period during which the necessary political and economic adjustments to insure stability of the Philippine Islands could take place.

Putting the agreed period at 20 years, we find that 8 of the 20 years have already expired since 1924, thus leaving only 12 years of the period as then proposed by the Secretary of War and accepted by both committees.

During this period of eight years past there have been notable advances in Philippine participation in government, in the advancement of education, economic progress, and financial stability. It would seem, therefore, that the consensus of opinion of the members of both committees at that time was in favor of a limited period of 20 years, of which now only 12 years remain as the definite date for the transfer of sovereignty to the Philippines.

It is not my intention to discuss the Philippine question at this time. That will be done later.

These communications which I have presented have never heretofore been published, and I request they be referred to the Senate Committee on Territories and Insular Affairs for proper consideration.

I desire to emphasize the fact that not only have two committees of Congress expressed themselves in favor of setting a definite date for independence, but both a Democratic and a Republican administration, the one under Wilson and the other under Coolidge, have urged upon Congress the necessity of fixing a definite date for the termination of our sovereignty in the Philippines.

Both the Fairfield bill in the House and the Johnson bill in the Senate, I am advised, were carefully prepared by officials of the United States Government in the Bureau of Insular Affairs, the Judge Advocate General at the time, and other representatives of the executive branch of our Government.

The Senate bill (S. 3377) now before the Committee on Territories and Insular Affairs is based upon the Johnson-Fairfield bill. The philosophy and objectives are the same.

The VICE PRESIDENT. The correspondence and data submitted by the Senator from Missouri will be referred to the Committee on Territories and Insular Affairs.

REPORTS OF COMMITTEES

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 487) for the relief of Herbert G. Black, owner of the schooner *Oakwoods*, and Clark Coal Co., owner of the cargo of coal on board said schooner, reported it without amendment and submitted a report (No. 178) thereon.

Mr. COOLIDGE, from the Committee on Claims, to which was referred the bill (S. 2623) for the relief of Howard Donovan, reported it with an amendment and submitted a report (No. 179) thereon.

He also, from the same committee, to which was referred the bill (S. 2570) authorizing adjustment of the claim of Joseph E. Bourrie Co., reported it without amendment and submitted a report (No. 180) thereon.

Mr. BROOKHART, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1021. An act for the relief of Joseph J. Baylin (Rept. No. 181); and

S. 2307. An act to provide for the settlement of damage claims arising from the construction of the Petrolia-Fort Worth gas-pipe line (Rept. No. 182).

Mr. NYE, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 93) amending section 1 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 3, 1930, relating to the Mississippi River between the mouth of the Illinois River and Minneapolis, reported it without amendment and submitted a report (No. 183) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 268) to excuse certain persons from residence upon home-

stead lands during 1930 and 1931 in the drought-stricken areas, reported it with amendments and submitted a report (No. 184) thereon.

Mr. REED, from the Committee on Military Affairs, to which was referred the bill (S. 567) to authorize the Secretary of War to sell to the Philadelphia, Baltimore & Washington Railroad Co. certain tracts of land situate in the county of Harford and State of Maryland, reported it with amendments and submitted a report (No. 185) thereon.

He also, from the same committee, to which was referred the bill (S. 1692) to amend section 90 of the national defense act, as amended, relative to the employment of caretakers for National Guard organizations, reported it without amendment and submitted a report (No. 186) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 499. An act authorizing the erection by the National Masonic Memorial Association of a memorial building at Fort Benning, Ga. (Rept. No. 187); and

S. 1690. An act to make provision for the care and treatment of members of the National Guard, Organized Reserves, Reserve Officers' Training Corps, and citizens' military training camps who are injured or contract disease while engaged in military training, and for other purposes (Rept. No. 188).

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

H. R. 70. An act granting the consent of Congress to the Board of County Commissioners of Mahoning County, Ohio, to construct a free overhead viaduct across the Mahoning River at Struthers, Mahoning County, Ohio;

H. R. 474. An act granting the consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Garrison, N. Dak.;

H. R. 4695. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Culbertson, Mont.;

H. R. 4696. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near the point known and designated as the Power-site Crossing, in the State of Montana;

H. R. 5131. An act to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.;

H. R. 5471. An act authorizing Sullivan County, Ind., to construct, maintain, and operate a public toll bridge across the Wabash River at a point in said county to a point opposite on the Illinois shore;

H. R. 5478. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

H. R. 5626. An act authorizing the States of Minnesota and North Dakota, the county of Polk, Minn., the county of Grand Forks, N. Dak., or any one or more of them, to construct, maintain, and operate a free highway bridge across the Red River of the North at or near Bygland, Minn.; and

H. R. 5878. An act granting the consent of Congress to the Louisiana Highway Commission and the Missouri Pacific Railroad Co. and the Louisiana & Arkansas Railway Co. to construct, maintain, and operate a combination highway and railroad bridge across the Mississippi River at or near Baton Rouge, La.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. REED, from the Committee on Military Affairs, reported favorably the nomination of Col. Frederick William Coleman, Finance Department, Regular Army, to be Chief of Finance, with the rank of major general, for a period of four years from date of acceptance, with rank from April 23, 1932.

He also, from the Committee on Foreign Relations, reported favorably the nomination of Andrew W. Mellon, of Pennsylvania, to be ambassador extraordinary and plenipotentiary of the United States of America to Great Britain, vice Charles G. Dawes, resigned.

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

PAYMENT TO ENROLLED CHIPPEWA INDIANS OF MINNESOTA

Mr. FRAZIER. From the Committee on Indian Affairs I report back favorably without amendment the bill (H. R. 225) providing for the payment of $25 to each enrolled Chippewa Indian of Minnesota from the funds standing to their credit in the Treasury of the United States, and I submit a report (No. 177) thereon. This bill is approved by the department, and I have been requested by the Senators from Minnesota to ask unanimous consent for its present consideration.

The VICE PRESIDENT. Let the bill be read for the information of the Senate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to withdraw from the Treasury so much as may be necessary of the principal fund on deposit to the credit of the Chippewa Indians in the State of Minnesota, under section 7 of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, as amended, and to make therefrom payment of $25 to each enrolled Chippewa Indian of Minnesota, under such regulations as such Secretary shall prescribe. No payment shall be made under this act until the Chippewa Indians of Minnesota shall, in such manner as such Secretary shall prescribe, have accepted such payments and ratified the provisions of this act. The money paid to the Indians under this act shall not be subject to any lien or claim of whatever nature against any of said Indians.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ROBINSON of Arkansas. Is the payment under the bill to be made out of the Indian funds or out of the Treasury?

Mr. FRAZIER. The payment is to be made out of the money of the Indians.

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

BILLS INTRODUCED

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

By Mr. BINGHAM:

A bill (S. 3514) regulating the use of appropriations for the military and nonmilitary activities of the War Department; and

A bill (S. 3515) to authorize promotion upon retirement of officers of the Army, Navy, Marine Corps, and Coast Guard in recognition of World War and Spanish-American War service; to the Committee on Military Affairs.

By Mr. WHITE:

A bill (S. 3516) to prevent discriminations against American ships and ports, and for other purposes; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 3517) for the relief of Robert H. Leys; and

A bill (S. 3518) for the relief of Mrs. Joseph Roncoli; to the Committee on Claims.

A bill (S. 3519) to amend section 461 of the tariff act of 1930; to the Committee on Finance.

A bill (S. 3520) to extend retirement benefits to widows of Foreign Service officers; to the Committee on Foreign Relations.

By Mr. BARKLEY:

A bill (S. 3521) for the relief of Will Brewer;

A bill (S. 3522) for the relief of Matthew J. Isaac; and

A bill (S. 3523) for the relief of William Wallingford; to the Committee on Military Affairs.

By Mr. BRATTON:

A bill (S. 3524) to remove certain limitations on the payment of pensions to soldiers, sailors, and marines of the war with Spain, the Philippine insurrection, or the China relief expedition while inmates in soldiers' homes; to the Committee on Pensions.

By Mr. REED:

A bill (S. 3525) granting a pension to Eleanora Emma Bliss; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3526) granting a pension to Wilbur J. Patterson; and

A bill (S. 3527) granting an increase of pension to John H. Sarrett; to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 3528) granting a pension to Iva B. Erickson (with accompanying papers); to the Committee on Pensions.

A bill (S. 3529) relating to the payment of compensation for the death or disability of women citizens of the United States who served in base hospitals overseas; to the Committee on Finance.

By Mr. BLAINE:

A bill (S. 3530) to amend the longshoremen's and harbor workers' compensation act; and

A bill (S. 3531) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 3532) to authorize the Commissioners of the District of Columbia to readjust and close streets, roads, highways, or alleys in the District of Columbia rendered useless or unnecessary, and for other purposes; to the Committee on the District of Columbia.

(Senate bills numbered 3533 and 3534 were subsequently introduced by Mr. McKELLAR and appear later in the proceedings under the heading "Conditions in Hawaii.")

By Mr. ROBINSON of Indiana:

A bill (S. 3535) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines (with an accompanying paper); to the Committee on Military Affairs.

By Mr. FRAZIER:

A bill (S. 3536) for the relief of Jerry O'Shea; to the Committee on Indian Affairs.

By Mr. STEIWER:

A bill (S. 3537) for the relief of Elijah L. Gum; to the Committee on Military Affairs.

By Mr. GLENN:

A bill (S. 3538) for the relief of Nellie McMullen; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3539) to amend section 8 of the act of Congress of June 30, 1906 (34 Stat. L. 768; U. S. C., title 21), as amended; and

A bill (S. 3540) to amend sections 1 and 2 of the act of Congress of June 30, 1906 (34 Stat. L. 768; U. S. C., title 21), as amended; to the Committee on Agriculture and Forestry.

By Mr. BINGHAM:

A bill (S. 3541) to authorize the St. Thomas harbor board, Virgin Islands, to issue bonds for the purpose of acquiring and installing a dry dock in the harbor of St. Thomas; to the Committee on Territories and Insular Affairs.

By Mr. BULKLEY:

A bill (S. 3542) for the relief of the Peerless Motor Car Co.; to the Committee on Claims.

REGULATION OF TRANSPORTATION OF COTTON IN INTERSTATE AND FOREIGN COMMERCE

Mr. BANKHEAD. Mr. President, early in the session I introduced a bill to regulate the transportation of cotton in interstate and foreign commerce and providing machinery for that purpose. In view of the short time remaining before the next cotton crop, I desire to introduce an amendment regulating the supply of cotton this year without resorting to that machinery. I ask to have the amendment printed in the RECORD and appropriately referred in connection with this statement.

The VICE PRESIDENT. Without objection, it is so ordered. The amendment will be referred to the Committee on Agriculture and Forestry and printed.

The amendment is as follows:

Amendment intended to be proposed by Mr. BANKHEAD to the bill (S. 1698) providing for regulation of the transportation of cotton in interstate and foreign commerce, and for other purposes.

On page 2, line 9, after the word "year," strike out the following words: "except that for the crop year 1932; the President is authorized by proclamation to fix the period within which such vote shall be taken" and substitute in lieu thereof the following: "For the crop year 1932 the number of pounds which may be shipped in interstate and/or in foreign commerce is 50 per cent of the amount of cotton produced in the crop year 1931. The local extension service agents in each county, or such other agents as may be designated by the Secretary of Agriculture, shall issue to each owner of land used for cotton production during the crop year 1931 a license, as herein provided, for 50 per cent of the amount of cotton which was produced from said land during the crop year 1931. All cotton in existence at the time of the passage of this act shall be exempt from the provisions thereof. The Secretary of Agriculture shall issue regulations for the identification of such cotton so that it may be shipped without license in interstate or foreign commerce."

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. McNARY (for Mr. SHORTRIDGE) submitted an amendment intended to be proposed by Mr. SHORTRIDGE to House bill 7912, the agricultural appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 37, between lines 2 and 3, insert the following new paragraph:

"Fruit and vegetable transportation: For an investigation and study of the transportation of Pacific coast fruits and vegetables from orchards and farms to foreign markets, with a view to improving the conditions of such transportation, including packing and handling, $50,000."

PROPOSED AMENDMENT OF THE TARIFF ACT OF 1930

Mr. NORRIS submitted an amendment intended to be proposed by him to the bill (H. R. 6662) to amend the tariff act of 1930, and for other purposes, which was ordered to lie on the table and to be printed.

RELIEF OF UNEMPLOYMENT—AMENDMENTS

Mr. PITTMAN submitted an amendment and Mr. ODDIE submitted two amendments intended to be proposed by them, respectively, to the so-called Black substitute to the bill (S. 3045) to provide for cooperation by the Federal Government with the several States in relieving the hardship and suffering caused by unemployment, and for other purposes, which were ordered to lie on the table and to be printed.

PRESCRIPTION OF MEDICINAL LIQUORS—AMENDMENT

Mr. BINGHAM submitted an amendment intended to be proposed by him to the bill (S. 3090) relating to the prescribing of medicinal liquors, which was referred to the Committee on the Judiciary and ordered to be printed.

NEGOTIATION OF TREATY FOR TOTAL AND IMMEDIATE DISARMAMENT

Mr. FRAZIER. I submit a resolution which I send to the desk and ask to have it read by the clerk and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 161), as follows:

Whereas the United States has appointed delegates to the World Disarmament Conference at Geneva; and

Whereas it is essential to the peace and welfare of the world that this conference shall not discuss and perpetuate armament but shall provide for genuine disarmament, and actual laying down of arms by the peoples of the world; and

Whereas the United States is a signatory to the general pact (or Kellogg pact) signed at Paris August 27, 1928: Now, therefore, be it

Resolved, That the Senate recommend to said delegates that they be ever mindful of the fact that they are representatives of a Nation which has renounced war; that they refuse to concern themselves with the war plans and war preparations of any nation or with such irrelevant matters as budgets, percentages, man power, effectives, gun elevations, or with any other detail of organized murder, the mere discussion of which presupposes the continuation of the war system and the violation of the general pact; and be it further

Resolved, That the Senate urges the said delegates to secure the agreement of the conference to the following multilateral treaty, which shall be sent by the delegates to their respective governments for approval and ratification:

"ARTICLE 1. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it

as an instrument of national policy in their relations with one another.

"ART. 2. The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

"ART. 3. The high contracting parties pledge themselves in the names of their respective peoples to immediate and complete disarmament, and hereby declare that it shall be a violation of international law for any nation, State, or subdivision thereof, or for any league, group, or association of nations, to take part in any war, offensive or defensive, or to prepare for, declare, or carry on any armed expedition, invasion, or undertaking, or to raise, appropriate, or expend funds for such purposes."

(Article 1 and article 2 being the provisions of the general pact, and article 3 being additional thereto.)

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

COSTS OF PRODUCTION OF CASEIN

Mr. McNARY. At the request of the junior Senator from California [Mr. SHORTRIDGE], who is detained on account of illness, I submit the resolution which I send to the desk.

The resolution (S. Res. 162) was read and ordered to lie on the table, as follows:

Resolved, That Senate Resolution 390, Seventy-first Congress, third session, agreed to January 21, 1931, directing the United States Tariff Commission, under the authority conferred by section 336 of the tariff act of 1930, and for the purposes of that section, to investigate the costs of production of casein and of any like or similar foreign articles, is hereby rescinded.

INTERNATIONAL RADIO AGREEMENTS

Mr. DILL. Mr. President, I offer a resolution and ask to have it referred to the Committee on Interstate Commerce. It is a resolution requesting the Secretary of State to negotiate international radio agreements with the governments of North America.

The resolution (S. Res. 163) was read, as follows:

Whereas radio broadcasting stations in Mexico and Cuba are using frequencies being used by radio broadcasting stations in the United States and thereby causing interference with the service of said stations to the American people, and it is reliably reported that a number of additional radio broadcasting stations are planned and under construction near the American border of Mexico; and

Whereas there is no international agreement or treaty dividing the use of frequencies for radio broadcasting among the nations of North America, and only by such an international agreement can the Governments of these countries protect the radio broadcasting stations within their borders from interference by radio broadcasting stations in other North American countries; and

Whereas the value of vast investments in the radio broadcasting business in the United States and good reception by the receiving sets of the millions of listeners in the United States are dependent upon the prevention of interference by radio broadcasting stations located in adjoining countries: Now, therefore, be it

Resolved, That the Senate hereby requests the Secretary of State, with the assistance of the Federal Radio Commission, to negotiate international agreements with Canada, Mexico, and Cuba, and any other countries he may deem advisable either separately or by joint convention for the protection of radio broadcasting stations in all of these countries from interference with one another, whereby a fair and equitable division of the use of radio facilities allocated for broadcasting under the international radio telegraph convention of Washington, in 1927, may be made.

Mr. DILL. Mr. President, at the present time we are spending about $500,000 a year for a radio commission in an attempt to make it possible for our radio stations to broadcast so that there will not be serious interference between them, in order that radio listeners may have the benefit of the various programs. Under that arrangement tremendous amounts of money have been invested in radio stations, and over 12,000,000 radio receiving sets have been bought. At the present time there is nothing to prevent the building of any number of stations along the Mexican border and in Cuba. Those stations go on any wave length they can secure permission from the Mexican or Cuban Governments to use. They interfere, and will interfere more and more, with American stations while stations in those countries have no protection against stations in this country.

The State Department has done nothing to stop this practice, except to conduct some negotiations. I have offered this resolution because I think it is absolutely necessary if the money this Government is spending to assure good radio service in this country is to bring any real benefit to the American people and not prove to be largely a waste of funds.

I have not asked for immediate consideration of the resolution by the Senate, because I want it to go to the committee in order that we may call before us the members of the Radio Commission and officials of the State Department to explain their side of the question before asking the Senate to take action.

The resolution was referred to the Committee on Interstate Commerce.

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 concurrent resolution (S. Con. Res. 13) requesting the President to return to the Senate the enrolled bill (S. 2199) exempting building and loan associations from being adjudged bankrupts.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2334) to amend section 3 of the rivers and harbors act, approved June 13, 1902, as amended and supplemented, and it was signed by the President pro tempore.

TEMPORARY REMOVAL OF PORTRAITS FROM THE CAPITOL

Mr. FESS. Mr. President, I ask unanimous consent to have considered at this time a concurrent resolution now on the table granting permission to loan certain portraits now in the Capitol to an exhibit at the Corcoran Art Gallery.

The VICE PRESIDENT. The concurrent resolution will be read.

The Chief Clerk read the resolution (S. Con. Res. 14) submitted by Mr. FESS on the 3d instant, as follows:

Resolved by the Senate (the House of Representatives concurring), That consent is hereby given to the United States Commission for the Celebration of the Two hundredth Anniversary of the Birth of George Washington, or a duly authorized committee thereof, to remove temporarily to the Corcoran Art Gallery, for exhibition in the Bicentennial Portrait Exhibit to be held as a part of such celebration, any portraits in the Capitol building (not in the public corridors), including the following:

George Washington, by Rembrandt Peale, in the Vice President's room;

George Washington, by Gilbert Stuart, in the Post Offices and Post Roads committee room;

John Marshall, by Martin, in the Supreme Court robing room;

Frederick Muhlenberg, copied from a Wright portrait by Samuel B. Waugh, in the Speaker's lobby; and

Oliver Ellsworth, copied from an Earl portrait by Charles Loring Elliot, in the Supreme Court robing room.

Mr. FESS. Mr. President, the concurrent resolution provides that the portraits may be removed from the Capitol temporarily only, probably for not more than a month. The portraits will be properly insured and properly cared for. They are to be a part of an exhibit to illustrate the paintings of the George Washington era. The portraits included in the exhibit are not simply those of Washington but those of his day. I ask unanimous consent for the immediate consideration of the concurrent resolution.

The VICE PRESIDENT. Is there objection?

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

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

Mr. FESS. I yield.

Mr. BINGHAM. As I understand, the concurrent resolution does not contemplate taking any portraits out of the corridors of the Capitol, where they are now readily accessible, but only applies to portraits in committee rooms where they are not ordinarily seen?

Mr. FESS. At first it was desired to take them from the corridors, but it was suggested that portraits in the corridors would be viewed by the public anyway, and therefore such portraits had better be excluded. So, in answer to the Senator from Connecticut, I will say that the portraits in the corridors are not included.

Mr. ROBINSON of Arkansas. Mr. President, the concurrent resolution does not seem to declare so expressly,

but I assume that at the expiration of the bicentennial period the portraits will be returned to the Capitol.

Mr. FESS. It is understood that they will be returned within a very short time; the exhibit will not continue throughout the year, but only for a short period.

The VICE PRESIDENT. Is there objection?

There being no objection, the concurrent resolution was considered and agreed to.

"TARIFF TERMED CHIEF ISSUE IN PRESIDENTIAL CAMPAIGN"

Mr. PATTERSON. Mr. President, I ask unanimous consent to have printed in the RECORD an article by David Rankin Barbee, published in the Washington Post on Sunday, January 31, headed "Tariff Termed Chief Issue in Presidential Campaign This Year."

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

The article is as follows:

[From the Washington (D. C.) Post, January 31, 1932]

TARIFF TERMED CHIEF ISSUE IN PRESIDENTIAL CAMPAIGN THIS YEAR—CAN HARDLY BE OVERLOOKED AS BONE OF CONTENTION AMIDST DEPRESSION AND UNEMPLOYMENT IN REPUBLICAN ADMINISTRATION; QUESTION ALWAYS HAS CAUSED STRIFE

By David Rankin Barbee

As sure as a gun is made of iron, the paramount issue in the next presidential campaign will be the tariff. It is 'bleeged to be, as Uncle Remus explained about the rabbit's climbing the tree. In a period of depression and unemployment, coming in a Republican administration, such an issue would not be overlooked. It always has been so, it always will be so; for parties, it seems, can settle all other questions but this one.

From the very beginning of our Government the tariff has been a bone over which all parties have quarreled. One reason—the potent reason—why Patrick Henry, George Mason, and William Grayson, in the Virginia State ratifying convention, opposed the adoption of the Constitution of 1787 was that the North, being an industrial and a carrying people, would lay imposts that they would be a burden on the agricultural section. And on this issue they came near defeating ratification.

In the very first Congress James Madison, of Virginia, a Democrat, introduced a tariff bill, and it was a protection measure. He was then working in conjunction with Alexander Hamilton, the patron saint of the Federalist Party, by some Republicans now called the patron saint of their party. Madison's bill was called, in the language of that day, the impost bill, and it embraced not only protection per se but also what was called the tonnage rates.

The bill was bitterly attacked by the States of Virginia, South Carolina, and Georgia, all three agricultural States. William Maclay, the Senator from Pennsylvania and the rightful founder of the Democratic Party, whose diary is our sole authority for the proceedings of the first Senate, notes that Senators "Lee, Butler, Grayson, Izard, and Few argued in a most unceasing manner, and, I thought, most absurdly, on this business." They attacked the impost bill with great vigor.

In another place he says: "The affair of confining the East India trade to the citizens of America had been negatived, and a committee had been appointed to report on this business. The report came in with very high duties, amounting to a prohibition. But a new phenomenon had made its appearance in the house [Senate] since Friday. Pierce Butler, from Carolina, had taken his seat and flamed like a meteor. He arraigned the whole impost law, and then charged (indirectly) the whole Congress with "a design of oppressing South Carolina. He cried out for encouraging the Danes and Swedes and foreigners of every kind to come and take away our produce. * * * And until 4 o'clock was it battled with less order, less sense, and less decency, too, than any question I have ever yet heard debated in the Senate."

Senator Maclay was a reporter much after my own heart. On the following day, the impost bill, still being under discussion, he makes this picturesque comment on the debate: "We once believed that Lee (Richard Henry Lee, the Senator from Virginia) was the worst of men, but I think we have a much worse than he in our lately arrived Mr. Butler (the Senator from South Carolina). This is the most eccentric of creatures. He moved to strike out the article on indigo. 'Carolina was not obliged to us for taking notice of her affairs'; ever and anon crying out against local views and partial proceedings, and that the most local and partial creature I ever heard open a mouth. All the impost bill was calculated to ruin South Carolina. He has words at will, but scatters them the most at random of any man I ever heard pretend to speak."

Senator Butler was a very able statesman, a brilliant orator, and one of the first ornaments of that Senate, a Democrat of the strictest State's rights faith. He was the forerunner of John C. Calhoun, George McDuffie, Robert Y. Hayne, and Jefferson Davis. He carried his doctrine so far that he opposed a duty on indigo, which no Senator from South Carolina to-day would do. Indigo did not get needed protection, and it quickly disappeared from South Carolina after Eliza Lucas had made it a most profitable crop, and under her direction Carolina had built up an export business in it that was substantial and profitable.

DEMOCRATS FOR PROTECTION

It has been noted, of course, that the Madison tariff bill was introduced by a Virginia Democrat. Every northern Democrat in that Congress supported the bill, and the two most noted Democratic Senators from the North, William Maclay, from Pennsylvania, and John Langdon, from New Hampshire—father of that great school of New England Democrats which wrought so mightily during the first 30 years of the Republic—did battle for it.

But a fact more singular than this is that Thomas Jefferson not only indorsed the bill but approved of the principle of protection. In one of his letters he says: "The prohibitive duties we lay on all articles of foreign manufacture, which prudence requires to be established at home, with the patriotic determination of every good citizen to use no foreign article that can be made within ourselves, without regard to the difference in price, insures us against a relapse into foreign dependency."

It was in line with this policy that he again wrote: "My own idea is that we should encourage home manufacture to the extent of our own consumption of everything of which we raise the raw material."

JACKSON FOR HIGH TARIFF

This picture is a fair cross-section of the history of the Democratic Party and the tariff. There was no greater Democrat, I take it, than General Jackson, though he was by no means a consistent Democrat.

As a Senator from Tennessee he seems to have been a consistent protectionist. I have to speak rather timidly about this record for I have not examined it closely, but James Parton, his best biographer, puts him down as a high-tariff man. In the session of Congress which met in December, 1823, Parton says that Jackson "voted against reducing the duty on imported iron, cotton goods, wool and woolen goods, India silks, cotton bagging, blankets, and for removing the duty of '4 cents per pound' on frying pans."

It is also true that Jackson was a standing candidate for the Presidency, and that his stanchest supporters were in Pennsylvania, which nominated him in 1824 and again in 1828. Pennsylvania has from the beginning of the Government been a strong protection community, and no man of any party has ever risen to high office in that State who did not subscribe to that policy. That explains why Albert Gallatin, her greatest statesman, and James Buchanan, her only President, and Samuel J. Randall, her foremost Representative—every one of them a mighty Democrat—followed in the footsteps of William Maclay, her first Democrat.

Jackson was motivated by another reason, too. His State was never a planting State, and slavery never dictated her politics. On that question it was the most liberal of all the Southern States, and probably the most fiercely independent and radical of any of the States. It was not many months after Old Hickory had whipped the British at New Orleans that a group of young Presbyterian ministers and Quakers, at Dandridge, Tenn., organized the first emancipation society under our present form of government.

One thing and one thing alone kept Tennessee from abolishing slavery before Jackson went to the Senate, and that was the fear that her neighboring sisters would colonize their emancipated slaves on her soil. What she most wanted was to get rid of her own slaves, and she could not colonize them on her neighbors. Until 1824 every free negro in that State was a citizen. The Constitution adopted in 1824 took this right away from all of them.

But it was not slavery so much as it was a free people, like Embree, who were establishing manufactures all over the State, particularly along the water courses where the power alone was to be derived, which created the protection impulse behind Jackson. When slavery became fastened on the State, manufactures began to decline and you might take that picture as a picture of the whole South.

HANCOCK CALLED TARIFF LOCAL

General Hancock, who one day, perhaps, will get his rightful position in history, as the ablest soldier in the Union Army in the great sectional war, was not far wrong, when, speaking as the Democratic nominee for the Presidency, he said: "The tariff is a local issue." How they jeered at him and derided him and laughed at him; but was he not right? Let us see.

Senator PAT HARRISON, of Mississippi, sits in Jefferson Davis's seat—the one the enraged soldier stuck his bayonet in—but he does not wear that great man's shoes nor drape his mantle about his athletic shoulders. No man has come up in Mississippi since 1865 who could draw that Ulysses bow. Mr. HARRISON lives in a tomato patch; that is, his end of the Magnolia State produced tomatoes by the trainload. When Senator FLETCHER was getting protection for Florida's tomatoes, and Senator HAYDEN for Arizona's, and Senator TOM CONNALLY for those grown in the Rio Grande Valley in Texas, up spoke the Senator from Mississippi and said that the Crystal Springs patch also needed protection, and he voted with his Democratic brethren of the South for a protective duty on tomatoes.

If the tomato had not been local to Mississippi, Senator HARRISON would never have taken a brief for Crystal Springs.

Louisiana, although an agricultural State, has for upwards of 100 years been a strictly protection community. Her sugar industry could not live without protection, and her long line of Democratic Senators have always voted for protection, and often have voted for protection on items that did not concern their constituents in order to get protection for sugar

There are Senators still in Congress who recall the philippic which Senator Robert Broussard—"Coosan Bob" to the Cajuns—delivered against Woodrow Wilson for placing sugar on the free

list. It is of record that before the nomination was given him Governor Wilson told the Louisiana leaders who were friendly to his candidacy that he would not touch the duty on sugar, but even so powerful a President as he became could not withstand the pressure from his party leaders in Congress for free sugar. His "conversion" to free sugar came near wrecking the Democratic Party in Louisiana. I am not writing hearsay gossip. I got the whole inside story from Governor Wilson's most influential friend in that State, to whom he made the promise of protection, the late Col. Robert Ewing, owner and publisher of the New Orleans States.

WALSH PROTECTIONIST

This has been true in every section of the country. Senator WALSH of Massachusetts is as high a protectionist as ever Senator Murray Crane was, and so was Senator Peter Gerry, of Rhode Island, a Democrat representing the most highly protected State in the Union.

But despite all of this history of individuals and of States, it remains true that the traditional policy of the Democratic Party, in its platforms at least, has been low tariff, a tariff for revenue only, and in some instances free trade. The tariff reformers in the Republican Party—Carl Schurz and his group of mugwumps—got hold of President Cleveland and converted him or indoctrinated him with their tariff ideas, and made a free trader of him. That is a very interesting story.

When they went to the White House to converse with him on the tariff, Mr. Cleveland confessed that he knew nothing about the tariff and had never given the question one moment's study. He was not alone in that. There are probably 300 Members of the House in that fix now. "We'll give you the books," said Schurz; and they did. What books they were we shall probably never know. Probably the pamphlets and speeches of Cobden and Bright, the English free traders. Cleveland studied them and mastered them and then sent in his tariff message, which stands as a landmark in White House papers. The next year the people left him at home.

As a matter of political philosophy the tariff interests inquiring minds just as any metaphysical proposition does. But as a practical question of statecraft it never is solved. It will not stay put. Statesmen will quarrel over it, and Democrats and Republicans, too, will not agree on it. The progressive movement led by Senator Dolliver, of Iowa, is evidence of that. He represented an agricultural constituency. And the quarrel between agriculture and industry does not seem capable of solution.

Hic fabula docet nothing in particular, except that the next presidential contest will be another controversy over the tariff; and whichever side wins, the Democrats from industrial districts and from industrial States will vote with the Republicans for a high tariff, and Republicans from the agricultural States will vote with low-tariff Democrats against a high tariff.

If John Randolph of Roanoke could come to life again and Virginia should send him to Congress, and he should, in that strident, effeminate voice of his, declare: "Only in a climate like England can the human animal endure without extirpation the corrupting air, the noisome exhalations, the incessant labor of these accursed manufactures. Yes, sir; I say accursed; for they are an accursed thing"—would he not be laughed at?

They may be accursed all right, but every community in the country wants to be cursed with them; and when they get them, they are apt to change their politics as well as their civilization.

THE FINANCIAL AND INDUSTRIAL DEPRESSION AND REMEDIES PROPOSED

Mr. WHEELER. Mr. President, I ask to have printed in the CONGRESSIONAL RECORD an address delivered by Rudolph Spreckels at the Round Table Conference dinner at the Biltmore Hotel, New York City, January 28, 1932. Mr. Spreckels is one of the outstanding financiers of the country, and his views upon public questions, whether one agrees with them in toto or not, are worthy of serious consideration.

There being no objection, the address was ordered to be printed in the RECORD.

Mr. Spreckels spoke as follows:

For the past two years the American people have been deceived by the mirage created by hot-air vaporings on the chill atmosphere surrounding those in want. The air has been filled with unfulfilled prophecies of prosperity just around the corner.

We are now entering upon a new year, so let us not be afraid to admit that our political, financial, and industrial affairs have been grievously mishandled, and with the aid of an informed people proceed to readjust matters in the common interest under constructive leadership.

Politically we have been duped by the adroit diplomats of Europe.

Financially we have been duped by foreign welchers.

Industrially we have been duped by the erroneous idea that cutthroat competition has saved us money.

We have been caught in the webbing of European political deceit.

The financial needs of the American people have been severely curtailed by reason of our bankers' loans to foreign interests. Forced sales of securities, commodities, and properties held by our banks against loans to their American clients, in order to preserve bank liquidity and enable our bankers to extend the payment dates to their foreign borrowers, have demoralized values in this country. Our unemployed and the millions of other American citizens who are the victims of forced liquidations of bank loans may well ask why foreign interests are favored to the detriment of our country and its people.

Consumers who buy things below the cost of production by reason of cutthroat competition lose more in the end than they gain, because when our industries do not prosper they can not maintain wage scales or keep men at work and a depression sets in which hits everyone in one form or another.

The American people are beginning to realize why they are suffering from hunger and cold in the midst of plenty. The closing of banks and the failure of industrial concerns have brought widespread unemployment and impoverished so many millions of our people that those who survive the destructive battles for supremacy will learn that a poverty-stricken people make poor customers. People who are accustomed to hardships and want may remain docile so long as bread lines and soup kitchens are maintained to feed them, but there are many other millions who are now suffering unbearable privations in this the richest country on earth. Voluntary charity can not cope with so desperate a condition, nor is it likely that high-spirited men and women will permit "God's" bounteous provisions, made for all mankind, to be doled out to them by a minority whose greed and lust for power has brought unhappiness to so many others and deprived them of a fair share of the necessities of life.

We are standing at the crossroads in our human relations—the road to the right leads to peace and happiness for all through voluntary and orderly readjustments in our economic life; the road to the left leads to the battle grounds, where adjustments are made by the use of force.

The Interstate Commerce Commission, when it proposed that the earnings of all railroads be pooled and used to preserve the weaker companies, pointed the way by which we may stabilize all industries, keep men at work, and increase the demand for labor. Unless those who are financially strong help to finance the weak there will be many more failures, more unemployment, and further credit restrictions and capital losses, and then few now living will again enjoy freedom from anxiety and want.

If we at once marshal our financial resources and merge into several strong competitive groups all members of our essential industries in which there exist overcapacities and regulate competition to prevent sales below the cost of production and to protect the consumers against excessive prices, an essential step toward trade stability and prosperity would be accomplished.

If our Government would care for all idle single men at our Army posts and constitute them employment agencies, local communities could adequately care for destitute families in their midst.

If our Government would appraise the value of collateral held by our banks against frozen loans and issue to the banks some acceptable circulating certificates, on the basis of, say, 60 per cent of the appraised value of the collateral deposited, forced liquidation of bank loans would be unnecessary and sacrifice sales of commodities and securities would be avoided and their values stabilized. It will be seen that the issue by the Government of the certificates I propose would obviate the necessity for the issue and sale of billions of dollars of Government bonds, the sale of which would undoubtedly lower the market price of outstanding Government bonds, and when the price of Government bonds declines people lose faith in all other securities. In the year 1907 clearing house certificates were issued to their member banks, which were readily accepted by the public in lieu of currency; therefore certificates issued by our Government against similar securities would certainly be accepted by everyone in the ordinary course of business.

If Congress would place a tax on money withdrawn from this country by American pleasure seekers who travel abroad and require them to pay a high passport fee and place a tax on those who send money out of this country for the support of foreign relatives, the Government would collect a huge revenue and greatly relieve our stay-at-home taxpayers.

Likewise, a tax should be levied against American investments in manufacturing enterprises abroad and the revenue used to establish an unemployment insurance fund, because American foreign manufacturing investments deprive our working people of labor involved in the manufacture of those things at home and the investment of money abroad decreases our funds, which might otherwise be available for financing other enterprises in this country, creating new demands for American labor.

A tax should also be levied upon every short sale of commodities and securities, because short sellers are mere speculators who interfere with the orderly fixing of prices, namely, actual supply and demand. This would not interfere with hedge sales made by bona fide producers and owners of commodities and securities.

Prohibition is another subject which can not be longer ignored. The loss in revenue to our Government since the adoption of the eighteenth amendment to our Constitution and the appropriations for enforcement purposes, together with the enormous expense incurred by our States and municipalities to cope with the increase in crimes due to prohibition, have added unbearable tax burdens in an amount far in excess of the annual war-loan payments due our Government from foreign nations and sufficient to have balanced our Government budgets without additional taxes. But even more serious and evil consequences have befallen our Nation through the adoption of the eighteenth amendment in that it has brought widespread disrespect for law and undermined the moral character of a large number of our youths and

adults of both sexes. It has made hypocrites of countless millions who vote dry but themselves drink freely—and by that I do not mean without paying for it.

I do not wish to deny that there are many millions of men and women who are sincere in their belief that liquor, wine, and beer are bad for humans, but I do protest against their unwillingness to admit that a law which can not be enforced after these many years of trial should no longer encumber our Constitution and statutes and divide our people into antagonistic groups.

It is a sad state of affairs when men and women of fine character and having religious training uphold a law which has substituted for the objectionable saloons many times as many illegal drinking places—drinking places which attract and debauch our youth behind locked doors every day and night throughout the year; drinking places which corrupt our public servants and pay tribute to bootleggers and gunmen. How then can any rational citizen defend prohibition, which has brought into existence many more and far more demoralizing drinking places and which the Federal Government has in all these past years been unable to eliminate?

Men and women who do not indulge in the use of liquor, wine, and beer should, nevertheless, know that present-day sordid conditions are largely due to prohibition, and that those who uphold it are making common cause with the illegal and corrupt leaders of the underworld, who grow rich by trafficking in liquor. Respectable hotels and restaurants have lost a great part of their patronage to speak-easies, which serve delicious meals at a nominal price to attract people who willingly pay them extortionate prices for liquor, wine, and beer.

All good citizens who believe in temperance, and those who are wholly opposed to the use of liquor, wine, and beer, should stop advocating the retention of the eighteenth amendment in our Constitution and devote their efforts toward formulating and supporting the adoption of a substitute amendment which will insure us against the return of saloons and provide a Federal dispensatory system, but leaving the people in every State free to determine whether or not they desire to permit the manufacture and dispensing of liquor, wine, and beer within their State, and that upon the adoption of such an amendment to the Constitution the eighteenth amendment is hereby repealed.

It is unfair to the Members of Congress to unload upon them the past year's accumulated troubles of this Nation and expect them to act upon various relief proposals without having adequate time to consider their ultimate effect upon the public interest if adopted or rejected. Therefore it is unfortunate that a special session of Congress was not held during the summer when it was well known that the distress of our people and the problems of our financial and industrial interests would become acute this winter.

My time is too brief to cover in detail all the perplexing internal issues requiring solution.

Our international problems are many, but I shall be unable to discuss them as fully as I should like to this evening.

It is our traditional policy to be at peace with other nations and to sympathize with all peoples who find themselves plunged into a sea of despair by their governments, but we owe it to our own people to care for their needs and also to insure our Nation's security by providing ample protection against invasion. We can not afford to ignore the stupendous preparations certain European nations have made for another war, knowing, as we do, that we are envied and hated by ungrateful recipients of our bounty and in whose behalf we sacrificed so many American lives and for whom we burdened our taxpayers with the cost of a war precipitated by foreign nations.

Private foreign loans and our Government's war loans made to willing borrowers can not be considered in the same light as excessive German reparation payments fixed by the European victors of the World War. Collection of reparation payments is no concern of ours, and our loans were in no way conditioned upon their payment. It would be far better to let those nations default in their obligations than to reduce or cancel them because so long as war-loan obligations remain unpaid the more difficulty they would have in financing another war. Our commerce would not suffer if we refuse to relieve those nations of their governmental loans because private capital and industries in all countries will continue to seek business and profits.

We have paid too dearly already for becoming involved in European affairs, so let us heed the advice of George Washington and avoid all further foreign entanglements.

The League of Nations and the World Court have both demonstrated that they can serve no good purpose, and we would be exceedingly foolish to join either and put our Nation at the mercy of the Old World's crafty statesmen. We must not permit foreign nations to fix the limit of our defensive strength while they build navies which they could combine against us and impose onerous demands upon our country.

We should, I believe, discontinue our useless efforts to persuade European nations to curtail their armament programs and exert our unremitting efforts to the task of making our own shores completely secure against invasion by any international combination. If we confine our military and naval undertakings to defensive measures unsuited to our invasion of other nations, it could not be honestly argued that our military and naval plans were a threat to any other country.

Once we are entirely secure against invasion, there would be no danger of foreign countries treating our international interests with disrespect because it would be obvious that we could then proceed to construct whatever naval ships might be required to give us control of the seas and enforce our rights.

American individuals who value foreign favors and flattery above the interests of their country and that of the American people must not be permitted to further ignore the needs of our people or to compromise the independence of the United States.

THE CALENDAR

The VICE PRESIDENT. Morning business being closed, the calendar is in order. The Secretary will state the first bill on the calendar.

The bill (S. 1951) for the relief of Howard P. Cornick was announced as first in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 88) to authorize the Postmaster General to investigate the conditions of the lease of the post-office garage in Boston, Mass., and to readjust the terms thereof, was announced as next in order.

Mr. LA FOLLETTE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 268) to amend subdivision (c) of section 4 of the immigration act of 1924, as amended, was announced as next in order.

Mr. KING. I ask that that bill go over. I may say with respect to it that when the Senator from Georgia [Mr. HARRIS] is here and several other Senators who may be interested in the bill I shall then have no objection to its consideration.

The bill (S. 1663) to prohibit the sending of unsolicited merchandise through the mails was announced as next in order.

The VICE PRESIDENT. On request, the bill will be passed over.

The bill (S. 209) granting an increase of pension to Mary Willoughby Osterhaus was announced as next in order.

Mr. ROBINSON of Arkansas. Over.

The VICE PRESIDENT. The bill will be passed over.

ROSA E. PLUMMER

The bill (S. 111) for the relief of Rosa E. Plummer was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I should like to ask the Senator from Nebraska [Mr. HOWELL] what reasons there are for waiving the statute and giving the claimant the right to bring suit after the time has passed?

Mr. HOWELL. Mr. President, this is a case where a former employee of the Bureau of Engraving and Printing claims to have suffered the loss of eyesight, and the committee considered that, under the circumstances, it might not be improper to waive the statute of limitations and allow the claimant to go before the Compensation Commission and present her case; but nothing further is afforded the claimant than the mere privilege of presenting the case.

The VICE PRESIDENT. Is there objection?

Mr. KING. Mr. President, that is not a sufficient explanation, and I ask that the bill go over. I will consult with the Senator about it.

The VICE PRESIDENT. The bill will be passed over.

EXAMINATION AND SURVEY OF SEASIDE HARBOR, OREG.

The Senate proceeded to consider the bill (S. 2622) to provide an examination and survey of Seaside Harbor, Oreg., which had been reported from the Committee on Commerce with an amendment, on line 11, after the word "for," to strike out "examinations and surveys" and insert "examinations, surveys, and contingencies of rivers and harbors," so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination and survey to be made of Seaside Harbor, in the State of Oregon, with a view to making improvements in such harbor by the construction of a breakwater extending 600 feet north from Tillamook Head, thence in a line inclining shoreward for a distance of 300 feet. The cost of such examination and survey shall be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The amendment was agreed to.

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

DISPOSITION OF LANDS IN NORTH DAKOTA, SOUTH DAKOTA, MONTANA, AND WASHINGTON

The bill (S. 2396) to amend section 11 of the act approved February 22, 1889 (25 Stat. 676), relating to the admission into the Union of the States of North Dakota, South Dakota, Montana, and Washington was announced as next in order.

The VICE PRESIDENT. The Chair is informed that on January 26 the bill was considered and passed and then the votes whereby the bill was ordered to be engrossed for a third reading, read the third time, and passed were reconsidered.

Mr. WALSH of Montana. The bill then was passed over. I trust it will have consideration now.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 11 of the act approved February 22, 1889 (25 Stat. 676), be, and the same is hereby, amended to read as follows:

"That all lands granted by this act shall be disposed of only at public sale after advertising—tillable lands capable of producing agricultural crops for not less than $10 per acre and lands principally valuable for grazing purposes for not less than $5 per acre. Any of the said lands may be exchanged for other lands of equal value and as near as may be of equal area in order to consolidate the holdings of the State.

"The said lands may be leased under such regulations as the legislature may prescribe; but leases for grazing and agricultural purposes shall not be for a term longer than five years; mineral leases, including leases for exploration for oil and gas and the extraction thereof, for a term not longer than 20 years; and leases for development of hydroelectric power for a term not longer than 50 years.

"The State may also, upon such terms as it may prescribe, grant such easements or rights in any of the lands granted by this act, as may be acquired in privately owned lands through proceedings in eminent domain: *Provided, however*, That none of such lands, nor any estate or interest therein, shall ever be disposed of except in pursuance of general laws providing for such disposition, nor unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, has been paid or safely secured to the State.

"With the exception of the lands granted for public buildings, the proceeds from the sale and other permanent disposition of any of the said lands and from every part thereof, shall constitute permanent funds for the support and maintenance of the public schools and the various State institutions for which the lands have been granted. Rentals on leased lands, interest on deferred payments on lands sold, interest on funds arising from these lands, and all other actual income, shall be available for the maintenance and support of such schools and institutions. Any State may, however, in its discretion, add a portion of the annual income to the permanent funds.

"The lands hereby granted shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States whether surveyed or unsurveyed, but shall be reserved for the purposes for which they have been granted."

SEC. 2. Anything in the said act approved February 22, 1889, inconsistent with the provisions of this act is hereby repealed.

Mr. BINGHAM. Mr. President, will the Senator from Montana be so good as to tell us in his own words just what change this bill makes in the law?

Mr. WALSH of Montana. Mr. President, I made the explanation when the bill was before the Senate on a former occasion. It changes the law in this regard:

Under the act admitting these four States into the Union, the lands granted could be disposed of only at public auction for not less than $10 per acre. This bill authorizes the sale of lands, valuable only for grazing purposes, at $5 an acre; but the more important thing is the other provision of the bill.

In some of these lands oil and gas has been found since the grant to the State, and in others it is believed that there is oil and gas. The State does not want to sell those lands for $10 an acre, and under the existing law it can do nothing else. This bill authorizes leases for oil and gas for periods of not more than 20 years, the purpose being to approximate the disposition of those lands containing oil and gas to the statutes of the Federal Government concerning oil and gas lands.

Mr. BINGHAM. May I say to the Senator that I have no objection at all. I only wish the Senator would get through this body a bill, which seems to me eminently fair, to turn over all the public lands to the States concerned.

Mr. WALSH of Montana. I am very glad to hear the Senator from Connecticut so express himself. That matter will be before the Senate later on.

Mr. KENDRICK. Mr. President, I wish to ask the Senator from Montana if the restrictions here in reference to the dedication of all of the income from the lands would prohibit the several States, or any of them, from setting aside a part of the royalties for present use, as against placing them in a permanent fund?

Mr. WALSH of Montana. Yes. It was not intended to change the existing law in that respect. None of the avails are to be used for present purposes. They are to go into the permanent fund, and only the income from that fund is to be used.

Mr. KENDRICK. Does the language contained in the bill enable the States to dedicate a part of the royalties for present use?

Mr. WALSH of Montana. No; it does not. It prohibits anything of the kind. It requires all the avails to be put into the fund.

Mr. KENDRICK. In my opinion, it ought to be possible in certain cases for at least a portion of the royalties so received to be used for present needs—not to exceed, say, one-fourth.

Mr. WALSH of Montana. That might be; but the Senator will understand that this bill applies only to those four States, and they are desirous of conserving the avails for the increase of the fund.

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

BILL PASSED OVER

The bill (S. 2642) to establish a commission to be known as a commission on a national museum of engineering and industry, was announced as next in order.

Mr. COPELAND. I ask that that bill may go over without prejudice.

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

NATIONAL SOCIETY DAUGHTERS OF 1812

The bill (S. 1203) to exempt from taxation certain property of the National Society United States Daughters of 1812 in the District of Columbia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the property situated in square No. 210 in the city of Washington, D. C., described as lot 811, occupied and used by the National Society United States Daughters of 1812, is hereby exempt from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the act of March 3, 1877, as amended and supplemented (D. C. Code, title 20, sec. 712), providing for exemptions of church and school property.

CONNECTICUT RIVER BRIDGE AT HARTFORD

The bill (S. 2985) 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, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the 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 and approaches thereto across the Connecticut River, at a point suitable to the interests of navigation, between Hartford and East Hartford, Conn., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MONONGAHELA RIVER BRIDGE AT PITTSBURGH

The bill (S. 3083) 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., was announced as next in order.

Mr. REED. Mr. President, I ask that Order of Business No. 172, House bill 7225, be substituted for this bill at this point on the calendar.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The bill (H. R. 7225) 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., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Board of County Commissioners of Allegheny County, Pa., to construct, maintain, and operate a free highway bridge and approaches thereto across the Monongahela River, at a point suitable to the interests of navigation, between the city of Pittsburgh and the borough of Homestead, to replace what is known as the Brown Bridge, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDENT pro tempore. Without objection, Senate bill 3083 is indefinitely postponed.

COLUMBIA RIVER BRIDGE, THE DALLES, OREG.

The bill (S. 3113) to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near The Dalles, Oreg., was announced as next in order.

Mr. VANDENBERG. I ask that Order of Business 171, House bill 149, be substituted and the usual procedure followed.

The PRESIDENT pro tempore. Without objection, that substitution will be made.

The bill (H. R. 149) to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near The Dalles, Oreg., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Columbia River at or near The Dalles, Oreg., authorized to be built by Dalles City by an act of Congress approved February 20, 1931, are hereby extended one and three years, respectively, from February 20, 1932.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDENT pro tempore. Without objection, Senate bill 3113 will be indefinitely postponed.

BILL PASSED OVER

The bill (H. R. 6662) to amend the tariff act of 1930, and for other purposes, was announced as next in order.

Mr. REED. Let that go over.

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

PAYMENT OF CLAIMS AGAINST DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 12) to authorize the Commissioners of the District of Columbia to pay certain claims against the District of Columbia, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and to insert:

That the Commissioners of the District of Columbia, in the settlement of claims and suits authorized by the act entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," approved February 11, 1929, as amended, may make payments in settlement thereof, from annual appropriations which are hereby authorized, whenever the amount of settlement of any claim or suit does not exceed $500.

The amendment was agreed to.

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

TRANSFER OF JURISDICTION OVER PUBLIC LAND IN THE DISTRICT

The Senate proceeded to consider the bill (S. 2498) to authorize the transfer of jurisdiction over public land in the District of Columbia, which had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 10, after the word "transfer," to strike out "will be submitted to the National Capital Park and Planning Commission for report" and insert "shall be recommended by the National Capital Park and Planning Commission," so as to make the bill read:

Be it enacted, etc., That Federal and District authorities administering properties within the District of Columbia owned by the United States or by the said District are hereby authorized to transfer jurisdiction over parts or all of such properties among or between themselves for purposes of administration and maintenance under such conditions as may be mutually agreed upon: *Provided*, That prior to the consummation of any transfer hereunder such proposed transfer shall be recommended by the National Capital Park and Planning Commission: *Provided further*, That all such transfers and agreements shall be reported to Congress by the authorities concerned.

SEC. 2. Nothing in this act shall be construed to repeal the provisions of any existing law or laws authorizing the transfer of jurisdiction of certain lands between and among Federal and District authorities, but all such laws shall remain in full force and effect.

The amendment was agreed to.

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

IMPROVEMENT OF CHEVY CHASE CIRCLE

The joint resolution (S. J. Res. 47) for the improvement of Chevy Chase Circle with a fountain and appropriate landscape treatment was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital is authorized (1) to provide for the erection of a memorial fountain of simple design at Chevy Chase Circle in the District of Columbia and for appropriate landscaping in connection therewith, and (2) accept, on behalf of the United States, donations for such purposes except that the work herein authorized shall not be commenced until there shall have been received donations equal in the aggregate to the estimated cost of such work and unless such work can be completed within a period of three years from the date of enactment of this act. The United States shall be put to no expense in connection with such work. The plans and designs for such fountain and landscaping shall be approved by the National Commission of Fine Arts.

BIG SANDY RIVER BRIDGE, WEST VIRGINIA AND KENTUCKY

The Senate proceeded to consider the bill (S. 2915) authorizing A. A. Lilly, M. B. Collinsworth, and A. E. Booth, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Big Sandy River at or near where it enters into the Ohio River, and between the cities of Kenova, W. Va., and Catlettsburg, Ky., which had been reported from the Committee on Commerce with an amendment, on page 2, line 3, after the word "operate," to insert "a bridge and approaches thereto across the Big Sandy River," so as to make the bill read:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, A. A. Lilly, of Charleston, W. Va.; M. B. Collinsworth, of Catlettsburg, Ky.; and A. E. Booth, of Kenova, W. Va.; their heirs, legal representatives, and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Big Sandy River, at a point suitable to the interests of navigation, at or near where it enters into the Ohio River, and between the cities of Kenova, W. Va., and Catlettsburg, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon A. A. Lilly, M. B. Collinsworth, and A. E. Booth, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same

as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said A. A. Lilly, M. B. Collinsworth, and A. E. Booth, their legal representatives and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Kentucky, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. A. A. Lilly, M. B. Collinsworth, and A. E. Booth, their heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway departments of the States of West Virginia and Kentucky a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon the request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said A. A. Lilly, M. B. Collinsworth, and A. E. Booth, their heirs, legal representatives, and assigns, shall make available all of their records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to A. A. Lilly, M. B. Collinsworth, and A. E. Booth, their heirs, legal representatives, and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

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

The title was amended so as to read: "A bill authorizing A. A. Lilly, M. B. Collinsworth, and A. E. Booth, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Big Sandy River at or near where it enters into the Ohio River, and between the cities of Kenova, W. Va., and Catlettsburg, Ky."

VALIDATION OF PUBLIC LAND APPLICATIONS AND ENTRIES

The bill (S. 3111) validating certain applications for and entries of public lands, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to allow Edward L. Dailey, of Priest River, Idaho, to make entry under section 7 of the enlarged homestead act (36 Stat. L. 531), for the east half of southwest quarter, southwest quarter of southwest quarter, south half of northwest quarter of southwest quarter, south half of north half of northwest quarter of southwest quarter, northeast quarter of northeast quarter of northwest quarter of southwest quarter, southeast quarter of southeast quarter of northwest quarter, and south half of southwest quarter of southeast quarter of northwest quarter, section 24, township 57 north, range 5 west, Boise meridian, Idaho, within the limits of Kaniksu National Forest, restored to entry under the provisions of the act of June 11, 1906 (34 Stat. L. 233).

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to accept final proof submitted by Eugene Johnson on December 27, 1929, in support of his homestead entry, Santa Fe, New Mexico, No. 054594, made on November 8, 1926, for lots 1 and 2, and south half of the northeast quarter, section 4, township 3 north, range 14 west, New Mexico principal meridian, and to issue patent upon payment therefor at the rate of $1.25 per acre.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent upon isolated tract application, Evanston, Wyo., No. 017020, filed by John Arambel on February 18, 1930, for the south half of the northeast quarter, section 17, township 24 north, range 106 west, sixth principal meridian, which was purchased by him at the appraised price of $3 per acre, under the provisions of section 2455 of the Revised Statutes, as amended, and on which cash certificate issued on April 11, 1930.

SEC. 4. That the right of way under the act of March 3, 1875 (18 Stat. L. 482), granted to the Wasco County Electric & Water Power Co. from a point in section 10, township 4 south, range 21 east, Willamette meridian, to a point in section 34, township 9 south, range 20 east, Willamette meridian, Oregon, be, and the same is hereby, forfeited.

RESIDENCE UPON HOMESTEAD LANDS IN DROUGHT-STRICKEN AREAS

The Senate proceeded to consider the bill (S. 279) to excuse certain persons from residence upon homestead lands during 1929, 1930, and 1931 in the drought-stricken areas, which had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 6, after the word "family," to strike out "and" and insert "or"; in line 9, after the word "register," to insert "of the district"; and on page 2, line 3, after the word "absences," to insert "*Provided*, That the time of such actual absence shall not be deducted from the actual residence required by law, but an equivalent period shall be added to the statutory life of the entry," so as to make the bill read:

Be it enacted, etc., That any homestead settler or entryman who, during the calendar years 1929, 1930, and 1931, found it necessary to leave his homestead to seek employment in order to obtain food and other necessaries of life for himself, family, or work stock because of serious drought conditions, causing total or partial failure of crops, may, upon filing with the register of the district proof of such conditions in the form of a corroborated affidavit, be excused from residence upon his homestead during all or part of the calendar years 1929, 1930, and 1931, and said entries shall not be open to contests or protests because of such absences: *Provided*, That the time of such actual absence shall not be deducted from the actual residence required by law, but an equivalent period shall be added to the stautory life of the entry.

The amendments were agreed to.

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

MARGARET M'CREANOR

The bill (S. 1040) authorizing the issuance to Margaret McCreanor of a patent for certain lands was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of the homestead laws relating to residence requirements, the Secretary of the Interior is authorized and directed to issue to Margaret McCreanor, of Helena, Mont., widow of Richard McCreanor, a patent for the lands upon which homestead entry

was made by the said Richard McCreanor, homestead entry survey No. 1180, township 11 north, range 1 west, principal meridian, containing 33 and 2/100 acres.

SKULL VALLEY INDIAN RESERVATION

The bill (H. R. 6663) to reserve certain land on the public domain in Utah for addition to the Skull Valley Indian Reservation was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the south half of section 14, township 5 south, range 8 west of the Salt Lake meridian, Utah, on the public domain, be, and the same is hereby, reserved as an addition to the Skull Valley Indian Reservation: *Provided*, That the rights and claims of any bona fide settler initiated under the public land laws prior to September 2, 1931, the date of withdrawal of the land from all form of entry, shall not be affected by this act.

COPPER RIDGE MINING CO.

The bill (S. 1436) for the relief of the Copper Ridge Mining Co. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the Copper Ridge Mining Co., out of any money in the Treasury not otherwise appropriated, the sum of $515, in full satisfaction of the claims of said company against the United States for repayment of purchase money in connection with mineral entries Phoenix 056018 and 056019, such claims for repayment not having been submitted to the General Land Office within the time required by the act entitled "An act to amend an act approved March 26, 1908, entitled 'An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public land laws,'" approved December 11, 1919.

CAMP M'DOWELL INDIAN RESERVATION, ARIZ.

The bill (S. 1438) to authorize the sale of land on the Camp McDowell Indian Reservation to the city of Phoenix, Ariz., for use in connection with its water-supply development, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That upon payment of such sum as he shall deem adequate to fully compensate the Indians therefor, the Secretary of the Interior be, and he is hereby, authorized to convey by deed to the city of Phoenix, State of Arizona, certain tribal land only, situated within the Camp McDowell Indian Reservation of said State, described by metes and bounds, in the south half of section 19 and north half of section 30, township 3 north, range 7 east, Gila and Salt River meridian, Arizona, containing approximately 125.81 acres more or less. Such deed shall reserve the usual rights of way for ditches and canals constructed under authority of the United States and also a 40-foot roadway running east and west along the section lines between said sections 19 and 30, which shall be left open for public purposes: *Provided*, That no water rights, surface or underground, of said reservation or of the Indians shall be conveyed to the said city by such deed and that the city of Phoenix shall limit its draft of water from the Verde River or supporting waters to the quantities allowed under its appropriation from such stream or streams in the order of its priority, and that the removal of such waters shall not be detrimental to the Indian reservation or the Indians through the diminishing of their water resources or otherwise, and the acceptance by the said city of such deed herein authorized shall constitute full recognition of the conditions herein imposed and of the reservation and the Indians' water rights.

JOINT RESOLUTION, ETC., PASSED OVER

The joint resolution (S. J. Res. 76) authorizing the President to reorganize the executive agencies of the Government was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The resolution (S. Res. 156) to investigate the effect of the depreciation of foreign-currency values upon importations of important commodities into the United States, and for other purposes, was announced as next in order.

Mr. KING and Mr. COSTIGAN. Let that go over.

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

AMENDMENT OF WORLD WAR VETERANS' ACT, 1924

The bill (S. 929) relating to the taking of depositions in cases arising under section 19 of the World War veterans' act, 1924, as amended, was announced as next in order.

Mr. REED. Mr. President, I should like to inquire why that bill was not sent to the Committee on Finance. All such matters as that have been handled by the Committee on Finance from the time the original World War veterans' act was reported out and passed. It seems to me obvious that any amendment of the statute ought to go to the committee in which the bill originated and in which all amendments have been handled.

The PRESIDENT pro tempore. The only answer the Chair can make, if the Senator propounds a parliamentary inquiry, is that evidently the author of the bill indicated its reference to the Committee on the Judiciary.

Mr. BLAINE. Mr. President, the amendment relates purely to a judicial question; that is, the subpœnaing of witnesses in actions in court, and I assumed that a bill of that character was properly before the Judiciary Committee. The chairman of the committee is here now.

Mr. NORRIS. Mr. President, who has the floor?

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. REED].

Mr. NORRIS. Will the Senator yield to me?

Mr. REED. Gladly.

Mr. NORRIS. I just came in, as the Senator knows, and learned that Senate bill 929 was up. From what little I have heard of the discussion, I judge that there is some complaint because it went to the Judiciary Committee.

Mr. REED. No; not a complaint. It was a very natural thing that it should have been sent there, or that the Senator should have asked that it go there.

Mr. NORRIS. I did. I am to blame for it.

Mr. REED. It relates to depositions?

Mr. NORRIS. Yes.

Mr. REED. But my suggestion is that as the original World War veterans' act was handled by the Finance Committee, and as every amendment that has ever been made to it has been handled by that committee, now that the Judiciary Committee has acted on the bill perhaps it might be well to have it committed to the Finance Committee, which can act on it promptly and report it out. I do not like to set the precedent of referring a bill of this kind to another committee than that which has considered all similar matters up to this time.

Mr. NORRIS. Mr. President, my own idea is that we established a wrong precedent when we sent the original veterans' bill to the Committee on Finance. I think it should have gone to the Committee on the Judiciary. But if the practice of the Senate has been different, I will not ask that we set a new precedent. However, I will say to the Senator that I introduced another bill along the same line yesterday and it was referred to the Committee on Finance. I called the attention of the clerk at the desk, when he was referring it to the Committee on Finance, to the fact that it ought to go to the Committee on the Judiciary, and directed his attention to the bill we are now discussing. I was informed by him just what the Senator from Pennsylvania has said, that the original bill came from the Finance Committee, and that all amendments to the veterans' act had been referred to that committee.

I was entirely responsible for this bill going to the Committee on the Judiciary. When I introduced it, I did not know that what the Senator has stated had been the custom, and I have no doubt that he has stated it correctly. The clerk told me in effect what the Senator has said.

I think it is wrong, as I have said, that bills like this should go to the Finance Committee, and when I prepared the bill and introduced it, I myself designated on the bill that it should go to the Committee on the Judiciary. I think anyone reading the bill will come to the conclusion that it should have gone to the Committee on the Judiciary. It deals entirely with lawsuits. It relates to procedure, as the Senator knows, to taking evidence in certain kinds of cases.

I would not like to have it delayed by having it referred to the Committee on Finance and reported again because there is a great deal of merit in the bill, as I can certainly convince the Senator, or anyone else.

Mr. REED. Mr. President, the Senator will not have to convince me. On reading the bill, it seems to me to be all right and I have no objection whatever to it. But I think

it is highly important that the same committee should consistently act on amendments to the veterans' act. The bill might also go to the Committee on the Judiciary, and we are glad to have their help; but think how ridiculous it would be if, not knowing what the Judiciary Committee were doing to the section affected by the bill, we in the Finance Committee were to report out another bill amending the section to read so and so.

Mr. NORRIS. I realize that.

Mr. REED. We would get into disorderly practice.

Mr. NORRIS. I am not contesting the force of what the Senator says.

Mr. REED. The chairman of the Finance Committee is here, and I think he expects to have a meeting of the committee very soon, and I should think this bill could be back on the calendar and passed before this time next week. I will do my best to speed action on it.

Mr. SMOOT. Mr. President, I have no objection to the bill being referred to the Committee on Finance. In fact, I think that is where it should go.

Mr. NORRIS. I would have had it referred to that committee myself, but I do not think it is the kind of legislation which the Finance Committee handles. It is just the kind of legislation handled by the Committee on the Judiciary. But we in that committee are overworked, and Senators will realize that I have never tried to have measures referred to the Judiciary Committee.

Mr. REED. Very often we will report from the Committee on Finance matters which deal with the procedural sections of the veterans' act when we would be very happy to have the bills referred to the Committee on the Judiciary in order to get their advice; but, just in the interest of orderly procedure, we ought to keep our hands on all legislation affecting that act.

Mr. NORRIS. I have no objection to the bill going to the Committee on Finance. But will not the Senator take the statements we have made here, which will appear in the RECORD, and which will show that under the circumstances a mistake was made in having the bill referred to the Committee on the Judiciary, and let us pass the bill now without having it referred to the Committee on Finance?

I may say that I spent some time on this bill. I had several consultations with attorneys who have tried the kind of cases covered by the bill. I became somewhat worked up over what seemed to me to be the great injustices to some of the veterans who sue in compensation cases and have their cases tried in court.

I had my attention called to one case tried in Nebraska in which the Government served notice on the soldier's attorney to take depositions on the same day in Richmond, Va., in St. Louis, Mo., and in some other city, I think Chicago. It was just as impossible for the veteran to comply as it was impossible for him to fly. He had no money; his attorneys, even, were not being paid, and he could not, without employing several attorneys, go to those various cities in different parts of the country to take evidence. He was at the mercy of the defendant in the case.

This bill tries to remedy that kind of a situation. It leaves the matter all with the court having charge of the case. The Government must make their showing before him as to why they must take the evidence, and if it is necessary in the judgment of the court, then the compensation of the attorneys who go and take the evidence must be paid.

Mr. SMOOT. Mr. President, I wish to say to the Senator that I think the matter ought to go to the Committee on Finance, for the very reason that we desire to have our records respecting the veterans' act complete. I assure the Senator that there will be a meeting of the committee Monday or Tuesday, and I shall have the bill taken up for consideration at the very moment we meet. I have no doubt that it will be reported out. But we have all legislation respecting the veterans' act tabulated, we have it in hand and in order, and really I think it is for the best interests of all concerned that the bill now be referred to the Committee on Finance.

Mr. NORRIS. Mr. President, in the present parliamentary status of the bill, its consideration being subject to objection, I have to comply with the request. I am doing so, however, on the express assurance of the chairman of the Committee on Finance that within a reasonable time the bill will be reported back to the Senate so that we can have action on it.

Mr. SMOOT. I assure the Senator that it will be reported next week, perhaps Tuesday or Wednesday.

Mr. NORRIS. Very well. Let the bill be referred to the Committee on Finance.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Finance.

BIG SANDY RIVER BRIDGE, WEST VIRGINIA AND KENTUCKY

Mr. BARKLEY. Mr. President, I understand that while I was temporarily called from the floor Senate bill 2915, authorizing the construction of a bridge across the Big Sandy River between Kentucky and West Virginia, was passed.

The PRESIDENT pro tempore. That bill was passed.

Mr. BARKLEY. I ask unanimous consent that the vote by which the bill was passed be reconsidered and that the bill go over. I am seeking some information from the State Highway Commission of Kentucky as to whether the passage of this bill will interfere with their program of bridge building as a part of the State highway system, and until I get that information I will ask that the bill go over.

Mr. NEELY. Mr. President——

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

Mr. BARKLEY. I yield.

Mr. NEELY. My colleague the senior Senator from West Virginia [Mr. HATFIELD] is the sponsor of this bill. I have been requested by some West Virginians who are interested in the passage of the bill to support the measure, and I am enthusiastically for it. The bill has been passed, and in the absence of my colleague I am compelled to object to the pending request for unanimous consent.

Mr. BARKLEY. Mr. President, if the Senator will withhold his objection for a moment, I am satisfied that the Senator who introduced the bill would not object to it going over. I was called temporarily from the Chamber when the bill was reached on the calendar, and I did not know it was going to be reached. I would have asked that it go over if I had been on the floor. I am not asking that the bill be defeated. I am seeking some information of the State highway commission of my State with reference to the matter, and it may be that when I receive the information there will be no disposition to delay the legislation any further. I hope the Senator will not object to this request.

Mr. NEELY. Mr. President, I should like to comply with the request, but I was informed that a public improvement, one very much desired by the people of West Virginia, would be delayed if this bill were not promptly passed, and without conferring with my colleague I could not accede to the Senator's request. I should very much like to do so.

Mr. BARKLEY. I will enter a motion, then, that the vote by which the bill was passed be reconsidered.

Mr. BINGHAM. Mr. President, the author of the bill is not in the Chamber, and I have sent for him. Will not the Senator withhold the motion until he can come into the Chamber?

The PRESIDENT pro tempore. The Senator from Kentucky can enter his motion now.

Mr. BARKLEY. I enter the motion.

The PRESIDENT pro tempore. No rights will be lost by the Senator entering the motion now. The motion will be regarded as entered.

Mr. BARKLEY subsequently said: Mr. President, I have conferred with the senior Senator from West Virginia [Mr. HATFIELD] with reference to Senate bill 2915, and under the circumstances mentioned by me, he advises me that he has no objection to the reconsideration of the vote by which that bill was passed. The Senator is present, and I would like to have a statement from him.

Mr. HATFIELD. Mr. President, under the circumstances, in the absence of the Senator from Kentucky, who is inter-

ested in this bill, who was absent from the Chamber when the bill was passed, I certainly have no objection to the reconsideration of the vote by which the bill was passed.

The PRESIDENT pro tempore. Without objection, the vote by which the bill was passed is reconsidered, and the bill will be returned to the calendar.

Mr. NEELY. Mr. President, in the absence of my colleague, the author of the bill, I objected to the reconsideration. If the sponsor of the bill has no objection, of course, I do not press my objection.

Mr. BARKLEY. Mr. President, I wish to say to both the Senators from West Virginia that I appreciate their courtesy. I have no disposition to delay indefinitely the consideration of the bill, but I would like to obtain information from the highway commission of my own State before it is acted upon.

CONDEMNATION OF LAND IN THE DISTRICT OF COLUMBIA

The bill (S. 14) to amend chapter 15 of the Code of Law for the District of Columbia relating to the condemnation of land for public use was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That chapter 15 of the Code of Law for the District of Columbia is amended by adding after section 485 the following new section:

"SEC. 485a. Vesting of title pursuant to a declaration of taking.—The petitioners may file in the cause, with the petition or at any time before judgment, a declaration of taking signed by the commissioners, declaring that said lands are thereby taken for the use of the District of Columbia. Said declaration of taking shall contain or have annexed thereto—

"(1) A statement of the authority under which and the public use for which the said lands are taken;

"(2) A description of the lands taken sufficient for the identification thereof;

"(3) A statement of the estate or interest in said lands taken for said public use;

"(4) A plan showing the lands taken;

"(5) A statement of the sum of money estimated by the commissioners to be just compensation for the land taken."

Notwithstanding the provisions of section 488, upon the filing of said declaration of taking and the deposit in the registry of the court, for the use of the persons entitled thereto, of the amount of the estimated compensation stated in the declaration, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in the declaration, shall vest in the District of Columbia, and the lands shall be deemed to be condemned and taken for the use of the District, and the right to just compensation for the same shall vest in the persons entitled thereto. Said compensation shall be ascertained and awarded in said proceedings and established by judgment therein, and the judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per cent per annum on the amount finally awarded as the value of the property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the registry. No sum so paid into the registry shall be charged with commissions or poundage.

Upon the application of the parties in interest, the court may order that the money deposited in the registry of the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded in respect of said lands, or any parcel thereof, shall exceed the amount of the money so received by any person entitled thereto, the court shall enter judgment against the District for the amount of the deficiency.

Upon the filing of the declaration of taking the court shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioners. The court shall have power to make such orders in respect of incumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

BILLS PASSED OVER

The bill (H. R. 149) to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near The Dalles, Oreg., was announced as next in order.

Mr. COSTIGAN. Mr. President, in response to requests from Colorado, and from settlers under projects who are of the opinion that there should be ampler care taken of their respective needs, I request that this bill go over.

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

The bill (S. 2377) authorizing an appropriation to defray the expenses of participation by the United States Government in the Second Polar Year Program, August 1, 1932, to August 31, 1933, was announced as next in order.

Mr. KING. Let the bill go over.

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

IMPROVEMENT OF WILLAMETTE RIVER

The bill (S. 959) relating to the improvement of the Willamette River between Oregon City and Portland, Oreg., was announced as next in order.

Mr. McNARY. Mr. President, a similar bill passed the House day before yesterday, being Order of Business 189, the bill (H. R. 7248) authorizing the modification of the existing project for the Willamette River between Oregon City and Portland, Oreg. I move that the House bill be substituted for the Senate bill, that the Senate bill be indefinitely postponed, and that the House bill be put upon its passage.

The PRESIDENT pro tempore. Without objection, the House bill will be substituted for the Senate bill.

Mr. KING. Mr. President, may I ask the Senator from Oregon to explain briefly the purpose of the bill and to what extent the Government of the United States is deprived of benefits or revenue or profits by reason of the measure?

Mr. McNARY. When the survey was made for an 8-foot channel between Portland, Oreg., and Oregon City, on the Willamette River, it was thought that a power could be developed there which would justify the Government in asking a contribution from the local communities. Upon further investigation it was found that the engineers had made a mistake and that there was no power involved and no profit to the community, and therefore no justification for the Government asking a contribution. This is a case where the Government asks a recession from its original views and that the contribution be not allowed. There is a favorable report from the department, from the Board of Army Engineers, and approval by the committee.

There being no objection, the bill (H. R. 7248) authorizing the modification of the existing project for the Willamette River between Oregon City and Portland, Oreg., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the project for the improvement of the Willamette River between Oregon City and Portland, Oreg., authorized by the river and harbor act approved July 3, 1930, is hereby modified in accordance with the recommendation of the Chief of Engineers in the report submitted in House Document No. 748, Seventy-first Congress, third session.

The PRESIDENT pro tempore. The bill (S. 959) relating to the improvement of the Willamette River between Oregon City and Portland, Oreg., will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 935) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes, was announced as next in order.

Mr. REED. Over.

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

MISSISSIPPI RIVER BRIDGE AT GRAND RAPIDS, MINN.

The bill (S. 3237) to legalize a bridge across the Mississippi River at Grand Rapids, Minn., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the bridge now being constructed by the State of Minnesota across the Mississippi River at Grand Rapids, Minn., and located on Trunk Highway No. 35, if completed in accordance with the plans accepted by the Chief of Engineers and the Secretary of War, shall be a lawful structure, and shall, together with the persons owning or controlling it, be subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

CONDITIONS IN HAWAII

Mr. McKELLAR. Mr. President, I have this morning received two telegrams from the Territory of Hawaii. They are short and I ask that the clerk may read them to the

Senate at this time, as requested by the author of the telegrams.

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

The Chief Clerk read as follows:

HONOLULU, *February 4, 1932.*

Senator MCKELLAR,
Washington, D. C.:

At a meeting of the Honolulu Citizens' Organization for Good Government, held February 3, 1932, in Honolulu, the following resolutions were unanimously adopted:

"That the Honolulu Citizens' Organization for Good Government make a direct appeal to the Congress of the United States:

"1. For the enactment of a law for Hawaii identical with the Federal statute covering punishment for the commission of the crime of rape.

"2. That Congress amend the organic act giving the Supreme Court of Hawaii the power and authority to appoint a public prosecutor for the city and county of Honolulu."

Mrs. HARRY KLUEGEL, *Chairman.*

HONOLULU, *February 4, 1932.*

Senator MCKELLAR,
Washington, D. C.:

Please furnish copies our message this date—Hoover, Wilbur, Curtis, Secretary Adams, Bingham, Garner, Houston, Chapman, Sheppard—Naval Committees.

KLUEGEL.

Mr. MCKELLAR. In accordance with the request that came in these telegrams, I have had the Legislative Counsel draft two bills, and I ask unanimous consent to introduce them at this time and to have them referred to the Committee on Territories and Insular Affairs.

The PRESIDENT pro tempore. Without objection, the bills will be received.

The bill (S. 3533) to provide for the punishment of rape in the Territory of Hawaii and the bill (S. 3534) relating to the appointement of the prosecuting officer for the city and county of Honolulu, Territory of Hawaii, were read twice by their titles and referred to the Committee on Territories and Insular Affairs.

Mr. BINGHAM. Mr. President, in connection with what has just occurred, may I say that I placed in the RECORD this morning a letter from the Delegate from Hawaii which summarizes the action taken by the Hawaiian Legislature at its special session, which has just been concluded. It shows that the legislature took appropriate action, not quite as much action as personally I should like to have seen taken, but that they did change the law by putting the duties of chief of police in the hands of a person to be appointed by a commission of five distinguished citizens appointed by the Governor, which commission has already commenced to function, and a new chief of police has been appointed.

They also changed the law with regard to rape, making it punishable by capital punishment or imprisonment for life, and changed the law with regard to evidence which could be given by the woman in the case, permitting her testimony to be received, even though uncorroborated by other witnesses.

They also changed the law with regard to loitering on the streets and increased the penalty therefor by something like 150 per cent.

They also changed the law with regard to the public prosecutor, who heretofore has been an elective official, and made him an official now to be appointed by the mayor of the city, removable for cause by the attorney general with the approval of the governor.

These laws which the Territorial legislature has passed at its special session will, I believe, meet the situation to a very considerable degree. But, may I say to the Senator from Tennessee, that when the report comes to us from the Assistant Attorney General, who is now on his way to make a thorough investigation of the whole situation, I shall be very glad to have the committee consider his bills in connection with that report.

Mr. TYDINGS. Mr. President——

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

Mr. BINGHAM. I yield.

Mr. TYDINGS. I have been advised that the Territorial law in Hawaii provides that the legislature shall not be constituted in proportion to the population in districts. For example, the city of Honolulu has a very large percentage of the total population, but its vote in the Territorial legislature is a very small proportion of the total number of votes there.

Mr. BINGHAM. May I say to the Senator from Maryland that that is due to a cause similar to that which permits a State having a population of about the size of one large city in Maryland to have two Senators, when the State of New York, with a population equivalent to that of 15 or 20 States, has only two Senators?

Mr. TYDINGS. I understand that. I simply mention the situation preliminary to this remark: I have also been advised that several times the local government of the city of Honolulu has put into effect certain propositions, but that they have been repealed indirectly or set at naught by the action of the legislature. For example, I believe on several occasions certain municipal officers were elected in Honolulu by the people, but the legislature repealed the law, so the will of the people there was frustrated. If my information is correct, how in the name of common sense can we ever get a responsible government in the city of Honolulu when, first of all, in that very small territory the city's affairs are run by the outlanders, who are in overwhelming proportion in control of the votes in the legislature; and, secondly, that when voters in the city do move to correct conditions in Honolulu the legislature sets at naught the action of the people there. Whether my information is altogether correct or not, I do not know, but it comes from very reliable sources.

Mr. MCNARY. Mr. President, I ask for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The Chair invites the attention of the Senator from South Carolina [Mr. SMITH] and lays before the Senate the amendment of the House of Representatives to the bill (S. 201) entitled "An act granting the consent of Congress to the State of South Carolina to construct, maintain, and operate a bridge across the Waccamaw River," which is, on page 1, line 5, after the article "a," insert "free highway."

Mr. TYDINGS. Mr. President, regular order or no regular order, I suppose I have a right to hold the floor?

The PRESIDENT pro tempore. Not when the regular order is demanded.

Mr. TYDINGS. Other business has intervened. May I now be recognized by the Chair?

The PRESIDENT pro tempore. Inasmuch as the Chair has laid before the Senate a message from the House of Representatives, the Senator may not.

Mr. SMITH. Mr. President, I move that the amendment of the House be concurred in.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from South Carolina. On that question the Senator from Maryland is recognized.

Mr. TYDINGS. Speaking, as I started a moment ago to do before I was attempted to be taken off the floor by a parliamentary suggestion, may I ask the Senator from Connecticut if the statement of conditions I have presented is not accurate?

Mr. BINGHAM. Mr. President, to answer that question would involve a rather long and historical discourse, which I am sure neither the Senate nor the Senator from Maryland cares to hear at this time.

Mr. TYDINGS. May I ask the Senator if it is not true that several times the people of Honolulu, in the course of regularly held elections, have elected various city officials, and that those city officials have been put out of office through the medium of the legislature repealing the law which made those offices possible?

Mr. BINGHAM. I have no recent information in regard to that matter. The Senator realizes that the positions to which he refers, namely, officials in the city of Honolulu, are positions which depend upon the laws of the Territorial legislature. For instance, in the very case which has been recently referred to on the floor, the law of the legislature provided a prosecuting attorney for the city and county of Honolulu to be elected by the people. Such an official was

elected by the people. He did not perform his duties in accordance with the wishes of those citizens of the island who were most interested in seeing the law carried out. Accordingly, at the recent special session of the legislature that office has been abolished; in other words, that is the case to which the Senator has just referred, where the citizens of Honolulu elected an officer and other citizens who composed the legislature subsequently legislated him out of office.

Mr. TYDINGS. They did not legislate him out of office, because they immediately legislated a new office into being which was filled in a different manner. Under the situation which the Senator has depicted the trouble in Hawaii has arisen. It strikes me that perhaps one of the difficulties out there has been that when the people have elected certain officers the legislature, for political reasons, has declared those offices vacant and proceeded by other machinery outside of the city of Honolulu to refill the offices under new names. I think some criticism is justly directed at those who brought about the situation, because there is no responsible government in Honolulu of the people themselves, but they are rather governed by the legislature, which every now and then thwarts the expressed will of the people of that city, even though conditions subsequent thereto have been worse instead of better.

Mr. McKELLAR. Mr. President——

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

Mr. TYDINGS. I yield.

Mr. McKELLAR. I am reliably informed that the government, instead of being a republican government out there, is an oligarchical form of government, and the oligarchy which absolutely controls the Territory of Hawaii is a very small oligarchy and more interested in lining with money the pockets of those who compose the small oligarchy than they are in enforcing the law for all the people.

Mr. TYDINGS. I am advised that the outlying islands control the bulk of the delegates in the legislature and that the population is about the last thing that is considered; further than that, that the plantations are very large and a few men can hand-pick most of the delegates in the legislature. That might be all right, but when those men proceed to set aside the express will of the people of Honolulu by abolishing offices to which they have regularly elected a district attorney or prosecuting attorney, and thus get the man elected out of office, and then create a new office under another name to get their own man into office, it would seem that if they perpetuate this system they should take the full blame for conditions that have transpired there in the last year or two. I think that when we go into the problem we should revise the Territorial act so as to maintain and protect the people of Honolulu in their right to have their own government.

WACCAMAW RIVER BRIDGE, SOUTH CAROLINA

The PRESIDENT pro tempore. The question recurs on the motion of the Senator from South Carolina [Mr. SMITH] that the Senate concur in the amendment of the House inserting the words "free highway" in the bill (S. 201) granting the consent of Congress to the State of South Carolina to construct, maintain, and operate a bridge across the Waccamaw River.

The amendment of the House was concurred in.

TAMPICO MARINE IRON WORKS

The bill (S. 188) for the relief of the Tampico Marine Iron Works was the next in order on the calendar, and it was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Beaumont Export & Import Co. for the Tampico Marine Iron Works, a foreign corporation, the sum of $2,573 in full settlement of all claims due the Tampico Marine Iron Works by the Government of the United States for work on, repairing, raising, and furnishing material for the United States Shipping Board vessel *Latham* during the year 1920, on presentation to the Secretary of the Treasury from the Tampico Marine Iron Works of an authorization for payment of said amount to the Beaumont Export & Import Co., said authorization being in such terms as to make said payment to the Beaumont Export & Import Co. a complete settlement of all claims herein referred to.

OWNER OF BARGE "MARY M"

The Senate proceed to consider the bill (S. 1216) for the relief of the owner of the barge *Mary M*, which was read, as follows:

Be it enacted, etc., That the claim of William A. Malley, as owner of the barge *Mary M*, against the United States for damages alleged to have been sustained by reason of a collision between said barge and the United States steamship *Melville*, or by reason of the operation of the said steamship *Melville*, under the control of the Navy Department, on April 15, 1919, at the south end of Governors Island, New York Harbor, may be sued for by said owner of the barge *Mary M* in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of said owner of the barge *Mary M*, or against said owner of the barge *Mary M* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of said court, and that it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. KING. Mr. President, this bill seeks to confer the right to bring an action in the United States District Court for the Southern District of New York for an alleged collision away back in 1919. I confess that I look with a good deal of, I will not say suspicion, but misgiving, upon such bills, where the alleged cause of action arose, if such cause did arise, 10 or 15 years ago, and as to which it will be almost impossible for the Government to obtain the requisite testimony to defend the suit. The statute of limitations, as we all know, applies in civil cases because it has been found by experience that a statute of repose is essential for the protection not only of the public but of individuals; but we are asked to waive the statute of limitations repeatedly with regard to actions against the Government.

It seems to me, unless there is some reasonable excuse for the delay in prosecuting the claim, that to permit an action to be brought 10, 12, or 15 years after the original cause of action accrued, and when the Government will be put at a disadvantage in making a defense, would be subjecting the Government to an undue burden.

The PRESIDENT pro tempore. Does the Senator from Utah wish the bill to be passed over?

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

Mr. KING. I withhold my objection.

Mr. COPELAND. Mr. President, there is very good reason why this bill and some others have been delayed for some years, namely, the watchfulness, for instance, of the Senator from Utah; he has always been alert to see that there is no imposition upon the Government.

This bill has been previously considered, and I think last year, if I remember correctly, it passed the Senate. I am quite sure that the Senator will not resist the very proper effort to have this case reviewed by the district court acting as an admiralty court. I ask the Senator to let the matter take that course. Of course, if there is no cause for action, if proof can not be adduced, necessarily it will fall of its own weight; but I am quite confident that, in the interest of justice, this claimant should have the right to go into court.

Mr. KING. I shall not object to the consideration of the bill, though I shall vote against it; but I want to make the statement to my friends upon the Committee on Claims—and I know they will pardon me for making the observation—that waiving the statute of limitations in cases where causes of action may have accrued, if they ever existed, 10, 15, or 20 years ago is very unwise, because the Government may not find its witnesses; they may have disappeared; they may have gone to the uttermost parts of the earth. It places the individual at a great disadvantage, and it also

places the Government at a very great disadvantage for actions to be permitted to be brought 10, 20, 30, or 40 years after the alleged cause of action may have accrued.

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

ROSS E. ADAMS

The Senate proceeded to consider the bill (S. 2909) for the relief of Ross E. Adams, which had been reported from the Committee on Claims, with an amendment, on page 1, line 5, after the word "Treasury," to strike out the words "not otherwise appropriated" and to insert "deposited to the credit of the Fort Peck Indians," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Ross E. Adams, of Nashua, Mont., out of any money in the Treasury deposited to the credit of the Fort Peck Indians, a sum equal to the amount found by the Commissioner of the General Land Office to have been paid by the said Ross E. Adams in excess of lawful requirements on account of his original homestead entry on lands within the Fort Peck Indian Reservation, less any amounts unpaid on the date of enactment of this act on account of his additional entry made on May 21, 1926, on lands within such reservation. Such sum shall be in full satisfaction of his claim for a refund of overpayments on account of such original entry, and the Secretary of the Interior is authorized and directed to issue patent to the lands covered by such additional entry without the requirement of any further payments.

The amendment was agreed to.

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

BRIDGE OVER RED RIVER OF THE NORTH, MINN.

The Senate proceeded to consider the bill (S. 3132) to extend the times for the commencement and completion of the bridge of the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, across the Red River of the North on the boundary line between said States, which had been reported from the Committee on Commerce with amendments, on page 1, line 4, after the word "approved," to insert "July 1, 1922, and revived and reenacted by an act of Congress, approved," and on page 2, line 10, after the word "respectively," to insert "from March 3, 1932," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress, approved July 1, 1922, and revived and reenacted by an act of Congress approved March 3, 1931, granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North at or near the section line between sections 24 and 25, township 145 north, range 49 west, fifth principal meridian, on the boundary line between Minnesota and North Dakota, are hereby extended one and three years, respectively, from March 3, 1932.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

BILLS PASSED OVER

The bill (S. 212) for the relief of Messrs. Short, Ross, Shaw, and Mayhood was announced as next in order.

The PRESIDENT pro tempore. The Chair will ask that that bill may go over.

The bill (S. 213) authorizing adjustment of the claim of Kenneth Carpenter was announced as next in order.

The PRESIDENT pro tempore. The Chair will ask that that bill may go over.

The bill (S. 219) authorizing adjustment of the claims of Orem Wheatley, Kenneth Blaine, and Joseph R. Ball was announced as next in order.

The PRESIDENT pro tempore. The Chair will ask that that bill go over.

The bill (S. 2335) for the relief of O. R. York was announced as next in order.

Mr. KING. Let that bill go over.

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

DR. LUIS DEBAYLE

The Senate proceeded to consider the bill (S. 366) for the relief of Dr. Luis H. DeBayle, which had been reported from the Committee on Claims with an amendment, in line 6, after the name "Nicaragua," to strike out the words "as reimbursement" and to insert "in full settlement of all claims against the Government," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,937.83 to Luis H. DeBayle, of Leon, Nicaragua, in full settlement of all claims against the Government for loss of drugs and other medical supplies taken from his pharmacy by personnel of the United States Marine Corps in January and February, 1928.

The amendment was agreed to.

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

AUXILIARY BARK "QUEVILLY"

The Senate proceeded to consider the bill (S. 486) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the 4-masted auxiliary bark *Quevilly* against the United States, and for other purposes, which was read, as follows:

Be it enacted, etc., That the claim of Compagnie Maritime Normande, formerly known as Société Anonyme du Quevilly, owner of the 4-masted auxiliary bark Quevilly, against the United States for damages alleged to have been caused by collision between said 4-masted auxiliary bark Quevilly and the United States destroyer Sampson on January 26, 1917, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found due against the United States in favor of the said Compagnie Maritime Normande, formerly known as Société Anonyme du Quevilly, or against the said Compagnie Maritime Normande, formerly known as Société Anonyme du Quevilly in favor of the United States, by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act.

Mr. KING. Mr. President, in examining the report accompanying this bill, I find that the Secretary of War states that the cost of repairs resulting from the collision was $1,500. Admitting for the sake of the argument that there was a liability upon the part of the Government, the cost of making the repairs was $1,500. I move to amend the bill by adding at its close the following words: "And that no judgment shall be entered in excess of $1,500."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

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

ELLINGSON & GROSKOPF (INC.)

The Senate proceeded to consider the bill (S. 800) for the relief of Ellingson & Groskopf (Inc.), which had been reported from the Committee on Claims with an amendment, in line 11, after the word "Indian," to strike out the word "agent" and to insert the word "superintendent," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pacific Creditors' Association, Marshfield, Oreg., the sum of $147, which sum represents the amount due Ellingson & Groskopf (Inc.), morticians, of Marshfield, Oreg., for funeral services rendered in connection with the burial of Alice Johnson, an Indian woman, such expenses having been authorized by the United States Government Indian superintendent at Salem, Oreg., on April 26, 1928.

The amendment was agreed to.

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

The PRESIDENT pro tempore. That completes the calendar.

CONSIDERATION OF BRIDGE BILLS

Mr. VANDENBERG. Mr. President, from the Committee on Commerce this morning I reported a number of House bridge bills concerning which there is no contention. I ask that they may be considered at this time.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

MAHONING RIVER BRIDGE AT STRUTHERS, OHIO

The bill (H. R. 70) granting the consent of Congress to the Board of County Commissioners of Mahoning County, Ohio, to construct a free overhead viaduct across the Mahoning River at Struthers, Mahoning County, Ohio, was read, considered, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT GARRISON, N. DAK.

The bill (H. R. 474) granting consent of Congress to the State of North Dakota to construct, maintain, and operate a free highway bridge across the Missouri River at or near Garrison, N. Dak., was read, considered, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT CULBERTSON, MONT.

The bill (H. R. 4695) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Culbertson, Mont., was read, considered, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, FORT BELKNAP INDIAN RESERVATION, MONT.

The bill (H. R. 4696) to extend the times for commencing and completing the construction of a bridge across the Missouri River southerly from the Fort Belknap Indian Reservation at or near a point known and designated as the Power-site Crossing, in the State of Montana, was read, considered, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE ABOVE NEW ORLEANS, LA.

The bill (H. R. 5131) to extend the time for completing the construction of a bridge across the Mississippi River near and above the city of New Orleans, La., was read, considered, ordered to a third reading, read the third time, and passed.

WABASH RIVER BRIDGE, INDIANA AND ILLINOIS

The bill (H. R. 5471) authorizing Sullivan County, Ind., to construct, maintain, and operate a public toll bridge across the Wabash River at a point in said county to a point opposite on the Illinois shore was read, considered, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT BATON ROUGE, LA.

The bill (H. R. 5478) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La., was read, considered, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS RED RIVER OF THE NORTH AT BYGLAND, MINN.

The bill (H. R. 5626) authorizing the States of Minnesota and North Dakota, the county of Polk, Minn., the county of Grand Forks, N. Dak., or any one or more of them, to construct, maintain, and operate a free highway bridge across the Red River of the North at or near Bygland, Minn., was read, considered, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT BATON ROUGE, LA.

The bill (H. R. 5878) granting the consent of Congress to the Louisiana Highway Commission, and the Missouri Pacific Railroad Co., and the Louisiana & Arkansas Railway Co. to construct, maintain, and operate a free highway bridge in combination with a railroad bridge across the Mississippi River at or near Baton Rouge, La., was read, considered, ordered to a third reading, read the third time, and passed.

RELIEF OF UNEMPLOYMENT

The PRESIDENT pro tempore. That completes the calendar, and the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3045) to provide for cooperation by the Federal Government with the several States in relieving the hardship and suffering caused by unemployment, and for other purposes.

Mr. BINGHAM. Mr. President, I have received from the executive vice president of the Connecticut Chamber of Commerce a telegram setting forth the attitude of the Connecticut Employment Commission on the pending bill. I ask to have the telegram read at the desk.

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

The Chief Clerk read as follows:

HARTFORD, CONN., *February 5, 1932.*

Hon. HIRAM BINGHAM,
Senator from Connecticut:

La Follette-Costigan direct Federal unemployment relief bill arouses definite and widespread opposition in Connecticut. The Connecticut Unemployment Commission, which has been in close touch with unemployment in every community in this State, has given assurances to our governor and to the President that Connecticut not only wishes to, but is able to take care of its unemployment situation without Federal aid. This organization deplores Federal appropriations for direct aid which we hold should emanate from States and communities where needs originate and exist.

THE CONNECTICUT CHAMBER OF COMMERCE (INC.),
H. E. HASTY, *Executive Vice President,*

The VICE PRESIDENT. The bill is before the Senate and open to amendment.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

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

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

Mr. SHEPPARD. I desire to announce the necessary absence of my colleague the junior Senator from Texas [Mr. CONNALLY] on account of illness.

I also wish to announce that the senior Senator from Georgia [Mr. HARRIS], the junior Senator from Georgia [Mr. GEORGE], the senior Senator from Florida [Mr. FLETCHER], and the junior Senator from Louisiana [Mr. LONG] are necessarily detained on business of the Senate. I ask that this announcement may stand for the day.

Mr. COSTIGAN. Mr. President, if not interrupted, I hope to be able to conclude within a relatively brief period of time.

May I say two things before I proceed: The first is that the telegram read a few moments ago from some one in Connecticut with respect to Connecticut's relief conditions is gratifying, and not wholly surprising. It should be stated that in certain parts of New England the depression has not left so wide a toll of disaster as it has in some other portions of the country. This, according to reports, is due

in part to the fact that relief has for a long period of time been better organized and accompanied by larger and more continuous local interest in New England than in some other regions.

With respect to the suggestion, however, that because of better local conditions, national cooperation with the States should be avoided, it should in frankness be said that there have been times in the past when the State of Connecticut did not hesitate to call on other and unwilling sections of this country to help enforce a national policy in response to an assumed national need.

May I further say, with reference to the material I have been incorporating in the RECORD, that much of it is not taken from the testimony produced before the Committee on Manufactures? I am now engaged in calling the attention of Senators to the individual reports of responsible social workers scattered over the United States in such number that their statements may be taken collectively, at least, as representative of the needs of the Nation.

When I concluded yesterday, I was dealing with reports from California. I shall now go briefly to that sovereign State which I happen to represent in part in this body. I continue with respect to Colorado.

Mr. John E. Gross, secretary-treasurer of the Colorado State Federation of Labor, to whom I referred yesterday, under date of January 28, 1932, has transmitted to me three letters from vice presidents of the Colorado State Federation of Labor describing conditions in three widely separated counties in that State. I shall merely summarize one or two statements made in each of these letters, again assuring Members of the Senate that the letters themselves are available for their individual inspection if they so desire.

One vice president of the State federation reports from Colorado Springs, one of our leading and most attractive municipalities, that the number of unemployed in that city and in El Paso County, in which Colorado Springs is located, is between 3,500 and 4,000, and that in compliance with what is termed the Hoover local relief plan, this city started an unemployment office; but, quoting what Mr. Jensen, the vice president, says:

> As far as I know, no employment has come from that office.

He adds that the county has done nothing to relieve the situation, but the city has arranged for the extension of a lot of gas mains, which will start next week; also a lot of water mains, which will start as soon as the pipe is procured.

A second vice president of the State federation, who resides in Grand Junction, in Mesa County, the largest city on what we term the western slope, reports that men in the city of Grand Junction are working in relays of 10 days each on advance work on the water system, and in the county on extra road work in relays of 10 days each, and that a very substantial measure of unemployment exists both in the city and in the county.

The vice president who resides at Trinidad, Colo., on the eastern side of the Continental Range and close to the border of New Mexico, reports that a conservative estimate is that 1,000 men are out of work in and around the city of Trinidad and about 1,500 in Las Animas County, in which Trinidad is located, taking in all the mining camps. He adds:

> This it not taking those that are partially employed.

He adds that no new agencies other than those in existence before have been established to relieve unemployment.

The next letter before me, from a responsible representative of the National Catholic School of Social Service, says:

> I have been for years a social worker, and now am instructor in Social Economics in the National Catholic School of Social Service. I spent all last summer in the Stockyards Branch of the United Charities, Chicago, helping to take care of persons applying to that agency. * * * I indorse the principle of public outdoor relief, and in addition, at a time like this, surely there is need for Federal appropriation to help those local communities which are not in themselves able to meet the situation. * * * I look upon rising public expenditures for social welfare as an expression of public concern for the weaker members of the community, for whom a young, vigorous, and wealthy Nation such as ours is expected to show great concern. I think that the generous willingness of the taxpayers of the country to make sacrifices for humanitarian purposes demonstrates that the majority concur with me in this thought.

A letter from Atlanta, Ga., from a representative of the Atlanta Federation of Jewish Charities, dated December 24, 1931, says:

> I am in favor of the extension of Federal aid to States and local communities for the relief of unemployment, provided Federal aid is contingent upon greater appropriations on the part of cities and States, and also provided the administration of Federal aid is undertaken through existing recognized social agencies, so that the proper standards of social service may accompany the granting of any relief.

Another letter from Atlanta, Ga., is from a representative of the Family Welfare Society. Under date of January 8, 1932, this statement is made:

> May I say that Federal relief such as you propose seems to be absolutely essential if we are to avoid untold suffering this winter. Atlanta had a combined community chest and emergency relief committee campaign last month with a goal of $805,000. Only $562,000 was raised. While there are plans under way to tap other resources in order to bridge this deficit, there are as yet no definite assurances that the money will be forthcoming; and even should the present deficit be bridged, I feel that, judging by my experience in the society, the middle of the winter will probably see additional needs to be met, with no resources for meeting them.

We come again to the city of Chicago. Here is a message under date of January 14, 1932, reading as follows:

> The sense of a mass meeting of several hundred women at the Congress Hotel, Chicago, on January 9, 1932, called in the interest of child welfare, was that Federal aid to the States would be necessary this year to relieve the distress of hundreds of thousands of children suffering from conditions for which neither they nor their parents are responsible. Therefore, the principles embodied in the Costigan and La Follette bills were approved.
>
> ELIZABETH TOLLES,
> (Mrs. H. N. Tolles),
> *Chairman of the Meeting.*

Giving the address in Chicago.

Here is a letter from an educator in the University of Chicago, who states, under date of January 18, 1932, that he was connected with the first attempt made in this country to collect complete and comparable statistics from all of the social agencies that deal with dependency, delinquency, and illness. A large array of facts is contained in this communication. In my endeavor to save the time of the Senate I shall confine myself to reading but a few of the statements here.

He concludes a striking discussion of distressing conditions in Chicago, demonstrating the inadequacy of relief for the tremendous need, with the following:

> Perhaps we in Chicago are to blame for our present fiscal plight, and it is perhaps only natural to feel that we ought to stew in our own juice. But, place the blame where you will, the fact remains that we do not have credit as a going concern. * * * The only corporate entity we have any claim upon that has credit sufficient to meet the present need is the Federal Government.

Here is a letter from a responsible representative of the Jewish Community Center Association of Indianapolis, Ind., dated December 29, 1931. I quote the following paragraphs:

> The latest unemployment figures of the Indianapolis stabilization committee indicate 40,618 unemployed as of November, 1931. The percentage, based upon an estimate of 164,444 people gainfully employed as of April, 1930, indicates that more than 24 per cent of the employable population is now completely unemployed. There are no statistics regarding the number of people who are partially employed, but I do know from information supplied to the executive committee of the council of social agencies, of which I happen to be a member, that many of the industrial plants which are trying to spread employment through the stagger system have employees working as little as two days a week with income as low as approximately $6 per week. Through an unfortunate situation the township trustees can not give subsidies to these families.

In this instance, as in others, I pass over figures of very large interest to all Members of the Senate who are concerned over the situation in the country, and read as follows:

> It is clearly patent that in spite of the increased relief expenditures the local bodies can not and are not meeting the situation, and it is a fact that the unemployed of Indianapolis are not receiving sufficient relief to maintain even a bare subsistence level.

Many social workers are deeply concerned with Federal relief administration in the event there is a Federal subsidy.

I trust that remarks of this sort, which are to be found in innumerable communications received by us, will receive the attention of the Senate when we come to consider the so-called substitute to the bill offered within the last few days by some Member of the Senate on this side of the Chamber.

There is great need for disbursement of relief through recognized social agencies and by trained social workers.

The letter concludes:

May I again state that I firmly believe that local communities, especially urban areas, simply can not cope with the problems created by the unemployment situation, and that Federal appropriation is absolutely necessary.

I am taking the States alphabetically, so far as practical, and here is a letter from New Orleans, La. It is from a representative of the Family Service Society, and is dated January 21, 1932. I quote in part as follows, and the writer is referring, of course, to the State of Louisiana:

People in the sugar-bowl area are on the point of starvation; the tenant farmers on cotton plantations are giving up the struggle and some of them are migrating to the cities; our rice industry, which was at one time very prosperous, has almost been wiped out. The larger municipalities—New Orleans, Shreveport, Monroe, Alexandria, and Baton Rouge—have provided no tax funds for the care of the unemployed, and their governments claim that they have no money.

* * * * * * *

The community chest of New Orleans fell $100,000 short of its 1932 goal. Shreveport's chest also failed to reach the amount needed to cover their 1932 budgets. In New Orleans failure of the campaign seems to lie in the fewer number and smaller size of gifts of those whose incomes are in the higher brackets; the number of small givers compares favorably with the number of this group in other cities.

I may add that the last statement appears to be true of other municipalities.

Here is a letter from New York City, from the chairman of the executive committee of the International Save the Children Fund of America. It is dated January 10, 1932, and I quote in part as follows:

You have read in the papers of the appalling conditions existing in the bituminous mining sections of Kentucky, West Virginia, and Illinois.

Thousands of men are out of work. The suffering of their families this winter, especially the plight of their children without food, clothing, and medical care, is unbelievable.

* * * * * * *

The American Friends Service Committee has been feeding these children through the public schools; but it has been discovered that over 20,000 of these American boys and girls, who are largely of Scotch and Irish descent, have practically no clothes to wear. Many can not even go to school, where the food they so much need is supplied, because of lack of clothing.

Alphabetically, next in order is the State of Maryland. In the Baltimore Sun of February 4, 1932, appears this item on page 3, under the heading "Underfed Pupils Found in Schools—Several Thousand Children Attend Classes Hungry, Doctor Weglein Says; Some Faint at Desks."

Referring to Dr. David E. Weglein, superintendent of public instruction, the article states:

A survey made at his request by the Public School Association and resulting in the Baltimore Chapter, American Red Cross volunteering its services, has disclosed that some children who have not had food for 24 hours before reporting at school in the morning have fainted at their desks.

MUTUAL ASSISTANCE INITIATED

A mutual assistance movement has been inaugurated among the schools, the families of students in the wealthier sections contributing to those schools where hungry children are in the majority. Doctor Weglein estimated that of 2,500 students in four schools that have been brought to the attention of the Red Cross several hundred need daily nourishment.

The article is much more extended. I am merely reading representative paragraphs.

In the Baltimore Sun of February 3, 1932, on page 10, is a letter written to the editor of the Sun by Rabbi Edward L. Israel. The letter was dated Baltimore, January 27, 1932. It is headed "The Case for Federal Relief." In brief, it refers to two recent editorials in the Baltimore Sun, in which it states the Sun discussed adversely the question of Federal aid for unemployment relief. The writer dissents from the conclusions of the Baltimore Sun, and says, among other things:

Despite the fact that there have been repeated assertions concerning the inadequacy of private charity and the failure of our community fund, after unprecedented effort, I fail to recall any editorial campaign on your part looking to a relief of the unemployment situation through the full resources of municipality or State.

In addition, the article contains this paragraph:

Some time ago a few of us approached Governor Ritchie on the question of a State program to cope with the unemployment situation. His categorical answer was that the State had absolutely no funds for any additional project in connection with unemployment. He reiterated his oft-stated position that the only salvation possible is from private industry and private sources. He maintained that the tax structure of the State is of such a nature as to preclude any possible relief from that source.

In another paragraph we find these statements:

We are face to face with a situation of national scope in which Maryland presents a picture that, although distressing, is not nearly so bad as what is going on in other sections of the land. We can not provincialize ourselves. The thing is a national crisis. The forces of social disintegration are undermining primarily our national security. Besides this, there is the enormous human appeal. You yourself stated "if the Nation were confronted with a situation where only the Federal Treasury stood between millions of people and starvation, as is now widely asserted in Washington, we would certainly not hold back either on direct Federal appropriations for unemployment relief or the creation of jobs." It is not the Federal Treasury, but it is the money-raising powers that are uniquely within the jurisdiction of the Federal Government which now actually stand between these millions and starvation.

The letter continues:

There is no alternative but Federal aid. There is just one source of revenue which combines flexibility with just apportionment on the basis of ability to bear, namely, the income tax. The great majority of the States do not now have this source of revenue open to them. Funds for unemployment relief, if they are to be raised by the States or the cities, must rest eventually upon increased property taxes or various excise taxes. In each of these cases the limit may be nearly, if not quite, reached. The Federal Government, on the other hand, can increase its revenues substantially and with relative ease by increasing the income-tax rates. It can issue bonds without reference to any fixed limit of bonded indebtedness.

In such an emergency as we now face it seems highly academic to insist upon more efforts being exerted by the States and municipalities, and it seems logical and just to ask that a part of the burden be borne by the Federal Government.

Here is a letter from the general secretary of the Henry Watson Children's Aid Society, of Baltimore, Md., under date of December 22, 1931. I quote a few statements, as follows:

From the point of view of the relief situation there are between 7,500 and 8,000 families on the rolls of the relief agencies of this community at the present time, and the peak has not been reached for this winter. * * *

Our municipality promises nothing, the State government is distinctly averse to any relief appropriation; consequently many of us are looking obviously toward Federal relief. My own personal conviction is that since city, State, and Federal Governments have different bases of taxation and different sources for tax funds, that all three should bear some share in the raising of taxes for relief purposes. The tragic results of social breakdown which are bound to rise from a program of inadequate relief will have to be paid for for years to come from both public and private sources. It may be canceled beneath appropriations for jails, hospitals, public institutions, and the like, but it will be no less enormous in amount for that reason.

Another letter from Baltimore is from a representative of the Family Welfare Association of that city. The writer makes the following statement, among others, under date of December 23, 1931:

The entire responsibility for unemployment relief therefore has been upon four private agencies—the Jewish Social Service Bureau, the Bureau of Catholic Charities, the Family Welfare Association, and the Salvation Army—the three first carrying practically all responsibility for families and the last practically all for homeless men. * * *

Agencies for unemployment relief are to-day giving material relief to five to six times as many families as a year ago, and, of course, are spending largely increased sums for the purpose.

Table 1 follows in the letter showing the following comparative statistics with respect to expenditures in 1931 as contrasted with 1930.

The Bureau of Catholic Charities in 1930, estimated by the writer, expended $83,000, and in 1931, according to an esti-

mate, expended $225,000. The Family Welfare Association in 1930 expended $173,437 and in 1931, $640,000. The Jewish Social Service Bureau in 1930 expended $100,682 and in 1931, $151,310. The police department expended in 1930, $11,666, and in 1931, $87,000. The Salvation Army in 1930 expended $5,686, and in 1931, $31,069.

In other words, the relief expenditures in Baltimore, only partly estimated by the writer, aggregated in 1930, $374,471, and in 1931, $1,134,379.

The following statements appear later in the same letter:

In the counties of Maryland, we probably have a more difficult situation than in Baltimore city. Only about 8 of our 23 counties have any form of social-service organizations. Without a system of public relief, either county or State, there is no central organization through which an emergency organization could be quickly built up. The one state-wide private agency, the Maryland Children's Aid Society, is concerned with the program for the organization of private county agencies and not with the administration of a relief program. We have no doubt that great need exists in the rural sections, and that many families are being broken down in health, mind, morale, and in every other way, because of their inability to secure assistance.

We are tremendously concerned with the question of Federal relief, and much as we regret the necessity for Federal action, we believe Federal action is necessary when it is demonstrated that the States individually can not meet their own needs or without Federal encouragement will not make adequate effort to meet them.

Here is a telegram under date of February 5, 1932, from Baltimore, addressed to myself:

BALTIMORE, MD., *February 5, 1932.*

HON. EDWARD P. COSTIGAN,
Senate Office, United States Senate Building.

The Baltimore Chapter, American Association of Social Workers, is strongly in favor of joint bill for Federal relief for the jobless.

MARIE C. JUDGE,
Chairman Baltimore Chapter.

On Friday, January 22, 1932, a conference on governmental responsibility for unemployment was held at the Lord Baltimore Hotel in Baltimore. At that conference the following resolution in part was adopted:

Resolved, That we ask both our United States Senators and the Members of the House of Representatives from Maryland to support and work for * * * the Costigan-La Follette-Lewis bill making an appropriation of $375,000,000 for immediate relief.

The committee signing the resolution consisted of the following: Wm. F. Cochran, chairman; the Rev. and Mrs. Peter Ainslie, Paul T. Beisser, Henry F. Broening, Dr. Gertrude C. Bussey, Mrs. A. Morris Carey, Elisabeth Gilman, Helen D. Green, Harry Greenstein, Sidney Hollander, Rabbi E. L. Israel, Rabbi Morris S. Lazaron, the Rev. E. L. Leonard, Dr. Broadus Mitchell, and the Rev. E. Guthrie Speers.

Perhaps, Mr. President, this is the appropriate time to say in passing that it is reported that Maryland, as a State, so far has appropriated only $24,000 for emergency unemployment relief; that the amount was made available until September, 1932, the fund to be spent under the direction of the governor, and that this amount consisted of license fees on four special racing days held for this purpose.

The next State alphabetically in order is Michigan. Here is a letter from a representative of the Detroit Community Union of Detroit. I quote only brief extracts, the entire letter being available to those who may desire to examine it:

In Detroit we will get through somehow with local funds, public and private, but many of us are worried about the suburban districts. All of them seem to be very hard pressed. May I give you two illustrations?

At Inkster approximately 300 out of the 350 families are dependents.

I omit a discussion of the conditions.

In southern Macomb County it is estimated that there are from 2,500 to 3,000 families in dire need.

Farther on I quote the following:

Concerning the situation in Oakland County—and, in fact, throughout the State—I am sure that Senator COUZENS has far more data than I could furnish you. I understand that he is interested in the development of some scheme for Federal aid for communities which are unable to meet their own needs.

Another letter before me is from a representative of the State welfare department, located at Lansing, the letter being written from Detroit under date of December 26, 1931. The following statements are made in this letter. I quote, as before omitting certain portions of the letter in order to save time:

We are experiencing a very serious situation in Detroit and throughout Michigan. * * * Our department of public welfare, under the reduced budget, found it necessary to exclude aid to certain groups such as married couples without children, married couples with one child, etc. The needs of these are now being met through an emergency aid campaign organized by Senator COUZENS and Mayor Murphy, to which Senator COUZENS is a most generous contributor.

According to reports which I have before me, our department of public welfare assisted 15,881 families in November under its policy of restricted relief. * * *

Outside of Detroit and Wayne County a serious unemployment situation obtains in automobile and other industrial centers. Counties most severely hit are Oakland and Macomb, both in the metropolitan district adjacent to Detroit. In Oakland County in particular a series of bank failures has added to the general distress. We have had many such failures in other sections of the State. * * * Our emergency has been assisted by the migration from our automobile centers of a considerable part of our floating population.

Another letter is from Grand Rapids, Mich., dated December 23, 1931. It reads in part as follows, after giving data with respect to available income for meeting the needs of dire conditions:

In my opinion, the funds available for local relief of the unemployed for 1932, both from taxes and voluntary gifts, will be totally inadequate to meet the needs. Unless the State, county, and municipal authorities adopt some emergency methods to secure greatly increased funds, it looks to me as though we shall be obliged to stand by and see our unemployed suffer for the lack of necessities of life, or call on the Federal Government for aid.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Colorado yield to the Senator from Michigan?

Mr. COSTIGAN. I gladly yield.

Mr. VANDENBERG. Did the Senator indicate who wrote the letter?

Mr. COSTIGAN. The letter is signed by Mr. Victor A. Woodward. His official connection, if any, is not known to me.

Mr. VANDENBERG. He is in charge of the organized social welfare of the city.

Mr. COSTIGAN. I am happy to have the statement of the Senator from Michigan.

I turn now to St. Louis, Mo. Here is a letter from a responsible individual connected with the school of business and public administration of Washington University. It is dated December 22, 1931, and reads, in part, as follows:

St. Louis failed to raise its community fund quota by $600,000, and the status of the city appropriation in view of this failure has not yet been defined.

* * * * * * *

There is a belief that St. Louis, through its public and private efforts, will not succeed in raising enough money to take care of its dependent families this winter even though it will raise, if it succeeds in completing its quota, almost twice as much as it has ever done before.

Farther on:

If Federal aid is granted, I trust the bill authorizing it will incorporate a provision by which it will be granted, at least to cities, only where there is a capacity to meet certain standards of administration which the Federal bill will set up.

Here is another letter from St. Louis, from the executive director of the Jewish Center of St. Louis. It is dated December 22, 1931, and reads in part as follows:

From my knowledge of the local situation I am sure that appropriations from the municipal and charitable contributions are not sufficiently large to relieve unemployment. The Jewish Federation of Charities failed by $100,000 of its goal and the community chest by a half million.

Further on the letter states:

It seems reasonable for emergency Federal aid to be forthcoming if the work to help the unemployed is to be accomplished. I know of very few social workers who do not advocate some such plan.

A letter written by a representative of the Social Service Bureau of Newark, N. J., is next in order. I quote in part from that letter, dated January 11, 1932:

It is an accepted fact, I believe, that with the amount of money available such a very few men have been put to work in comparison with the total registered unemployed as to scarcely make a dent in the problem. Further the made-work which has been devised does not answer the needs of the "white-collar" group.

Farther on the writer of the letter says:

Regarding direct relief, may I say that this agency, the Social Service Bureau, which is a private agency financed by the community chest, will have available for relief in 1932 practically the amount spent in 1931. This means for the most part that our relief funds will have to be used to finance the families taken on during 1930 and which we have not been able to dispose of, leaving very little margin to take on new victims of unemployment. These new families, as we see it, will have to be cared for from public funds.

Here is a letter from the director of medicine, Department of Institutions and Agencies of the State of New Jersey. It is dated January 14, 1932, and reads, in part, as follows:

I am advised that the director of the emergency relief administration feels that the funds already available are not adequate to see New Jersey through the winter. It is rumored that another bill is to be introduced requesting additional appropriations, so that the needs of the State will be more fully met.

On the other hand, we know that there are many communities which are bankrupt, and that they find themselves unable to meet their needs with any degree of adequacy.

There are communities which are no longer able to borrow, and everywhere there are demands made upon public officials to reduce budgets and to reduce taxes.

It is generally understood that the State as a whole is not uniformly affected by the economic depression and that needs are greater in some localities than in others.

These comments which I have made are unofficial and are quite in the nature of generalizations rather than specific information, which information I lack at this time.

Here is a letter from the representative of the Family Welfare Society, the office of which is in Albany, N. Y. The letter is dated December 22, 1931, and reads in part:

It is evident that in the smaller cities relief raised through private resources is, and has been, inadequate to meet the needs, so that it is largely public relief which is being given out, and one might say the private agencies supplement it. There is no question in my mind of the need, but I have no knowledge of how much can be raised by municipal corporations for work relief. It is being quite generally done in New York State, though, apparently, the money raised will not take care of a very large percentage of the men unemployed over a period of months.

* * * * * * *

Here is a letter from the representative of the Catholic Service League of Akron, Ohio. It is of date January 18, 1932. I read the following from it:

In my opinion, the community is in more serious panic than at any time during the depression. The schools have been closed during the Christmas holidays, not to open until January 18, on a $1,000,000 reduction in operating.

The city is cutting its operating budget $800,000, which, if followed out, will greatly reduce the fire and police protection.

The city registered 6,000 men for employment this week on a work program to give 4,000 jobs two days a week for three months.

A letter from Columbus, Ohio, from Mr. Gardner Lattimer, of the Lattimer-Stevens Co., under date of January 22, 1932, reads in part as follows:

I have been somewhat actively in touch with standards of relief in Columbus and in other cities of Ohio and feel that the lowness of these standards constitutes a real menace to the safety of the Republic. In Columbus, for example, totally destitute families are being helped on the basis of approximately 75 cents per person per week, with the payment of rent being postponed until just short of eviction, with fuel allowance on the most meager basis, and dependence almost exclusively on secondhand clothes for clothing. In my opinion the demoralizing effect of such standards can not be overemphasized.

I am convinced also that, since the cause of the depression is at least national, if not international, and since our tax laws are set up in such a way as to make it practically impossible to secure additional revenues from local taxation, Federal action is not only justified but most desperately and urgently needed.

A letter from Cleveland, Ohio, from the representative of the Goodrich Social Settlement, under date of December 30, 1931, recites facts as to the relief expenditures and unemployment, and concludes as follows:

In the working class neighborhood where Goodrich House is, we see no signs of a change for the better, and the "rugged individualism" of our self-respecting neighbors is fast being undermined by their enforced acceptance of inadequate private charity.

We hope your bill for a Federal emergency appropriation will pass, and pass quickly.

Here is a letter from an outstanding social worker connected with the National Conference of Social Work who writes from Columbus, Ohio. The letter, which is dated December 23, 1931, reads, in part, as follows:

You have so framed this bill—

Referring to the bill originally introduced by myself, which is substantially identical with the bill now before the Senate, the most material change being the addition to the original board provided for in the earlier bill of two presidential appointees—

You have so framed this bill that I do not believe it will be harmful in forcing the States and local communities to do their utmost to relieve unemployment during the present winter.

The only thing I feel, in that phase of the bill—

He refers to the same amount to be appropriated by the Federal Government as is proposed to be appropriated by the bill now before the Senate—

is that you have not made a sufficiently large estimate of the needs for next year. * * * I really see no way to avoid Federal help for another year, even though it might be possible to come through the present winter without such aid. * * *

I feel that you have so safeguarded the country from the dangers that may arise from unwise Federal action that that phase of the matter can be practically ignored.

Here is a letter from a representative of the community fund of Columbus and Franklin County, which was written from Columbus, Ohio, under date of December 28, 1931. It says, in part:

At the last session of the Ohio Legislature the so-called Pringle-Roberts bill was enacted, under which political subdivisions were authorized to issue bonds up to one-twentieth of 1 per cent of tax duplicate for relief purposes. This law was limited in its operation to 1931. Under it the city of Columbus issued bonds to the extent of $285,000 and Franklin County to the extent of $45,000. This resource will not be available in 1932. * * *

The governor does not seem inclined at present to call a special session of the legislature. This, I think, should be done for the purpose of extending the operation of the Pringle-Roberts bill mentioned above and to provide through some form of direct tax, other than upon real property, for additional funds to be used for relief.

I notice that the Senator from Ohio [Mr. BULKLEY] is in the Chamber. He is in a position to advise the Senate whether or not there has been any change in the Ohio situation since this letter was written.

Mr. BULKLEY. Mr. President, as I understand, the governor is still considering the question of calling an extra session of the legislature but has not as yet determined upon his course.

While I am on my feet, may I call attention to a slight error that crept into the print of the hearings which was extended in the RECORD by the Senator from Wisconsin [Mr. LA FOLLETTE] concerning conditions in Cleveland?

Mr. COSTIGAN. The Senator from Ohio does not refer to the hearings before the Committee on Manufactures, does he?

Mr. BULKLEY. Yes; I do. In the testimony of Mr. Raymond F. Clapp, director of the Welfare Federation of Cleveland, this language appears:

From the two of them together—

That is, from the Associated Charities and the Jewish Social Service Bureau—

From the two of them together there are, I should say, approximately 5,000 families receiving relief this month. That compares with a little over 5,000 families a year ago at this time.

That is clearly a misprint. There were at the time he testified 15,000 families receiving relief, and since then that number has been considerably increased. The latest information we have is that about 17,000 families are now receiving relief in Cleveland.

Mr. COSTIGAN. I thank the Senator from Ohio for his contribution to the discussion.

Here is a letter from Toledo, Ohio, dated January 13, 1932, from the director of the Social Service Federation. The writer says in part:

If it is not too late, I am glad to lend my support to your effort to have Congress adopt an emergency Federal aid program. Toledo's relief requirements are growing rapidly. Eight thousand families

received relief last month, and the number this month may reach 10,000. The people voted a million and a half levy for poor relief for the year 1932, but that will not provide more than enough for the first half of the year. I am of the opinion that some outside aid, either State or Federal, will be necessary unless general business conditions improve to a marked degree in the spring.

The next letter in this general review is from a representative of the Family Service Society, of Erie, Pa., written under date of December 31, 1931. It reads, in part, as follows:

There seems to be not a shadow of a doubt that Federal aid will be essential, and your statement that the private agencies will participate in the program is the most encouraging announcement I have heard for some time.

A letter from a representative of The Harrisburg Welfare Federation, of Harrisburg, Pa., dated December 23, 1931, contains the following statements:

It is my observation that either State or Federal aid is needed to assist many communities, especially the smaller ones, to meet the relief problems this winter. It is now evident that in most States State aid will not be provided in any adequate degree. Therefore, it seems to me desirable and necessary that Federal aid be made available to help local communities meet this winter's relief demands. Federal aid should be on a temporary emergency basis only.

Another letter from Harrisburg is from a representative of the Department of Welfare of the Commonwealth of Pennsylvania. It is dated January 15, 1932, and contains the following statements:

While some of our towns are holding up, due largely to the fact that the private wealth of the county is usually in the towns, the outlying sections, especially in the mining counties, are in very bad shape. In Fayette County, for example, the mayor of Uniontown reported to Senator DAVIS that they could "take care of their own," although the whole western half of that county is in extreme distress. On Monday, the 18th, the Friends' Service Committee starts feeding malnourished children there.

A letter from the same representative of the department of welfare of the Commonwealth of Pennsylvania, under date of December 23, 1931, reads, in part, as follows:

Unquestionably something will be done this winter by the legislature, but whatever is done will be both late and inadequate. Personally, I am heartily in favor of Federal relief.

A letter under date of January 21, 1932, was received from Mr. J. Prentice Murphy, director of the Children's Bureau of Philadelphia. Mr. Murphy, it will be recalled, testified before the Committee on Manufactures. At that time he was requested to supplement his contribution in writing if he cared to do so. Under date of January 21, 1932, Mr. Murphy wrote, in part, as follows:

I strongly favored your bill in the first place. I am very glad to say that the new bill is even more impressive to me.

He now refers to the bill before the Senate.

It is carefully phrased, and certainly shows the results of the detailed study of all the suggestions made to you and Senator LA FOLLETTE and other members of the committee during these last few weeks as to proper Federal procedure.

The amount named certainly avoids the criticism of being an exaggerated request. The expenditure of $375,000,000 will, as has been said before, result in a number of the States finding money in order to match the Federal grants.

I like very much the arrangements for the make-up of the Federal Emergency Relief Board. The Children's Bureau is very properly the agency which should administer this relief fund. It, more than any other Federal agency, knows the personnel of existing State departments of boards of welfare, and has the experience of working with them. I like the additional provision of two members to be appointed by the President with the advice and consent of the Senate. This still leaves it possible for the board to name as chairman one of the President's appointees if this is thought wise. It probably would be a very good thing to have the chairman of the board to be other than a person overloaded with administrative duties, such as in the case of the Chief of the Children's Bureau.

I like the time limit which is set for the performance of services stipulated under the proposed act. The various State disbursing agencies are left wide discretionary powers in regard to rules and regulations for relief administration. This is wise.

The provisions of the act for taking care of unusually distressed States, unable to help themselves, are sound. The authority for penalizing States not properly cooperating is well phrased. Making it possible for private contributions to be included as part of the total efforts of a particular State is wise—of course, with the precaution, as stipulated in your bill, that grants for old-age pensions or mothers' assistance fund appropriations may not be included.

It should be added that no one is better prepared to speak in this field than the author of this letter.

Under date of December 23, 1931, Miss Dorothy C. Kahn, another witness who testified before the Committee on Manufactures, and who represents the Jewish Welfare Society of Philadelphia, wrote as follows:

I have read your excellent bill with great care, and will be glad to be of whatever assistance I can, either individually or through my organization, in assisting its passage.

It would probably be a waste of your time for me to discuss my views on the principles involved in Federal aid. I find myself fully in agreement with the spirit and intent of your bill and with the principles already outlined by the Social Work Conference on Federal Relief. The keynote of my views on this point is that only to the extent that the Federal Government aids in helping to meet the enormous wage loss in the present depression can we hope to maintain a semblance of the American standard of living on which our national integrity rests.

* * * * * * *

The bureau of unemployment relief gave assistance last week to 43,000 families, an increase of 2,700 over the previous week.

I pause to say that this witness, when she testified—I think I am correct in saying that she was the witness who so testified—reported that the amount of relief being given at that time in Philadelphia to families of this sort was forty times the amount of the normal relief so furnished.

The standards of relief of the bureau include food in the form of grocery orders, coal, shoes, and clothing in extreme cases. The bureau does not pay for shelter, with the result that those families who are not actually evicted for nonpayment of rent find themselves dependent on landlords, becoming accustomed to failure to meet their obligations, and, in unknown numbers of instances, doubling up with other families, with resultant overcrowding and all of its attendant evils. Of this group of 43,000 families, approximately 1,000 are Jewish. The estimated expenditures for these families in one recent month was $17,000. Our own society, which is giving financial assistance to a little over 400 families, is spending between $18,000 and $22,000 per month on these families. These expenditures are based on a standard minimum budget which we believe is the least possible amount which would preserve standards of health and decency. A sample allowance for a family of five, according to our standard, is attached for your consideration. On this basis, the bureau of unemployment relief, if it applied our standard of relief, would need to spend on the 1,000 families under its care $60,000 a month instead of $17,000. The same computation on an annual basis would mean that relief to all Jewish families in need in Philadelphia, who represent approximately 10 per cent of the total population, would need to be well over $1,000,000 for this current year on a minimum basis. From this I argue that $10,000,000 for material relief alone is a conservative estimate of the needs of Philadelphia. This is exclusive of public aid to widows.

Here is a letter from Pittsburgh, from a representative of the Helping Hand Association:

The trouble is that all the people who have appeared before your committee, including Mr. Gifford, can not get their minds in the proper channel to the effect that we are facing an emergency, and emergency measures differ from the textbook and other prescribed college principles of social work. You can not feed a starving child or woman with a textbook or bulletin coming from various committees, and you can not practice rehabilitation and social-service work on empty stomachs.

Here is a letter from a representative of the Family Service Society of Austin, Tex., under date of December 30, 1931. It reads, in part, as follows:

The county judge tells me that he has this year spent $35,000 on everything of a social nature. Ten thousand dollars of this has been spent on relief work. His judgment is that if conditions do not grow worse we ought to be able to work out our own plans for the next three months. If then things gradually improve, he feels we should be able to continue to get by. If, however, in the three months' period there is not an upward trend, he feels sure we will be facing a serious crisis.

Another letter from Dallas, Tex., under date of January 5, 1932, contains the following statements:

The problem in Dallas grows, and local resources are about dried up.

* * * * * * *

The thing is eating steadily into the strata that once felt secure. Yesterday I talked to a college woman not yet 45 who is living at the Salvation Army Home for Girls between eagerly taken chances at domestic service and to a university man who fainted three times in one day at the city garbage dump and had to have his blistered hand treated at the Emergency Hospital. "Public works," "local responsibility," "sense of cooperation in the community," "magnificent response to public appeal," and other com-

forting phrases from the message to Congress December 8, 1931, sound faint and far away to those of us who have to come a little closer to the truth and are not afraid to look.

* * * * * * *

The city manager (inaugurated eight months ago) is working against odds and under an overdraft. The county is in the red. The State of Texas can not be looked to for immediate help under the present law, because it limits the tax which can be levied. The resources of private philanthropy have been inadequate for some time past and are pathetic in the face of the present crisis. The emergency fund has not been raised.

This is the local picture in its barest outlines. It is complicated by the stampeding transients—who are human beings, after all, and enterprising ones—by bewilderment and fright, by resentment at lack of courageous leadership, locally and nationally, and, last of all, by our having substituted extravagant sentimentality for an intelligent social plan in years past. We have no public employment service, no child welfare, no decent care for the aged, no venereal clinic, no care for the transient, no unemployment insurance. Small wonder that the economic wreck has followed our crazy, planless building, and that we stand in the crash and blinding dust with nothing more intelligent than "local self-help" for disaster relief.

It is a national calamity, not a local one; it is a national responsibility, not a local one; and if three years of the increasing tragedy brings us no closer to help than the blind, stubborn "I do not believe in the dole," then we may find a way out which is neither governmental nor yet noble Christian charity—who knows?

Here is another letter from Texas, written from the city of Fort Worth, under date of December 23, 1931. It is signed by a physician who is the director of public health and welfare, Dr. A. H. Flickwir. He says:

I wish to state that, in my opinion, local, State, and National Governments should aid in the relief of the unemployed.

Then he recites certain facts with which I shall not delay the Senate. The letter is available. He continues:

I think that funds derived from public resources, namely, the taxpayer, more evenly distribute the burden than any other method. Of course, the remedy for unemployment is employment, and, in my opinion, the relief funds should be used for relief work and a careful survey of the community made in order to see that same is properly distributed in return for work done rather than a grant or dole. This method is being pursued in Fort Worth at this time.

A letter from Seattle, Wash., under date of January 19, 1932, contains the following statement:

At present this agency is assisting about six times as many families as we helped two years ago. Our relief expenditures have increased accordingly.

Here is a letter from the executive director of The Federated Jewish Charities of Milwaukee under date of December 23, 1931. It contains the following statements:

May I state that I am thoroughly in sympathy with the aims and purposes of your bill? I am convinced that some form of State aid must be developed by Congress. The form which this aid is to take can be patterned on the lines already developed by Congress in its grants to States in the field of road building and maternity care.

Speaking of appropriations made in his State, he says:

To my mind, this sum will not be sufficient to take care of our relief needs for the next year. It will, therefore, be necessary for some emergency aid to be granted the States by the United States Government.

The final letter before me is from the general secretary of the Wisconsin Conference of Social Workers, dated Madison, Wis., January 4, 1932:

There can be no question as to the need. Everywhere there is want, and in many parts of the West, the part of the country with which I am familiar, there is slow starvation in many families.

* * * * * * *

I think that the plan of placing the administration of such a fund under the Children's Bureau is a wise one. Miss Abbott can be trusted to bring to this work the very best that the Nation has to offer, and to see to it that there is no waste that can be avoided, and that the funds do the most possible good.

It would seem, Mr. President, that the evidence is persuasive, as well as widely distributed.

May I call attention, before I pass wholly from this subject, to the fact that Mr. Karl de Schweinitz, secretary of the Community Council of Philadelphia, who testified before the Committee on Manufactures of the Senate something over a month ago, appeared again as a witness on February 3 of this week before the committee of the House of Representatives which is considering the Lewis bill, which corresponds to the bill introduced in the Senate, and now under consideration.

Mr. de Schweinitz, testifying before the House committee, stated that on the 1st of February 54,532 families were receiving help in his city, and that this was an increase of over 10,000 from the time when he appeared before our committee. His testimony at that time was that there were 43,128 families in Philadelphia receiving help. From these figures the Senate may draw some inference as to the rapid increase in the needs of those who are the victims of unemployment in the United States through no fault of their own.

Mr. C. C. Carstens, another prominent social worker, is reported to have testified before the House committee that the Friends' Service to-day is feeding double the number of school children in the West Virginia field that they were feeding when Mr. Pickett, a little over a month ago, appeared before us. His testimony at that time may be referred to. Among other things, he said that the Friends were giving one meal a day to something like 20,000 school children in the three States to which I have referred. He said they had no funds with which to take care of the adult needs in the sections in which these children were receiving the one meal a day.

Mrs. Helen Glenn Tyson wired from Pittsburgh on February 3, 1932, as follows:

PITTSBURGH, PA., *February 3, 1932.*

Hon. EDWARD P. COSTIGAN,
United States Senate.

Seven thousand nine hundred and fifty families receiving aid from Allegheny County Emergency Association alone, probably double this number from all sources. Sixty thousand new families applied for help in 1931.

HELEN GLENN TYSON.

I have other telegrams here which I should be glad to have in the RECORD, but which I shall not read, merely to save time.

Here is one which probably should be added, from Chicago, from an outstanding witness before the Committee on Manufactures, Mr. Samuel A. Goldsmith, of Chicago:

* * * Figure corresponding to December figure for month of January is estimated at 134,840 cases.

From New York comes a telegram from Mr. William Hodson, dated February 3, 1932:

Best figures available show approximately 118,000 persons receiving help of some kind; about 50,000 have emergency work jobs; balance receiving help varying from occasional basket of food to regular monthly allowance.

These telegrams bring the situation up to date in the few large cities from which reports are most readily available.

A letter, dated February 5, 1932, from Mr. Sidney Hillman, president of the Amalgamated Clothing Workers of America, whose services to humanity have made him a national figure, contains the following sentence, referring to the Federal relief proposed in the bill before the Senate:

Any delay in getting this relief means so many more lives lost.

Mr. President, in the letters which I have read to the Senate have occurred occasional references to one aspect of our national relief problem which has not been mentioned in the Senate, so far as I am aware, and which certainly has not been discussed. I refer to what may be called the transient or migratory problem.

The bill before the Senate is made so elastic in form that it will be possible to deal with conditions of unemployment and resulting distress as those conditions arise. While the bill provides for work through social agencies, it should be remembered by the Senate that this particular problem presents some extraordinarily difficult features. Almost all the relief work in America is, properly enough, naturally enough, designed to deal with local residents. Our poor laws from the beginning have been so drafted that the recipients of public relief have ordinarily been under the obligation to show that they have been residents for a very considerable time of the locality in which the relief is given.

What has been happening in America? All over this land, from north to south, according to the expert witnesses with

whom we have talked, are drifting back and forth tides of human beings who are homeless and without residence. The testimony before the Committee on Manufactures was, I think, that there are not less than 1,000,000 people at this time drifting, without the possibility of turning to the local public agencies on which frequenly they must wholly depend for help.

That is true, of course, especially in the rural regions, where there are no organized private relief agencies and where, as I stated earlier in my remarks, almost 100 per cent—not 70 per cent, as in the case of cities with well-organized private relief—comes from the public funds taken from the taxpayer.

Such facts as these are public information. Throughout the winter thousands of people have been drifting over the land, with no place to lay their heads. Especially through the southern parts of the country, where the expectations of a mild winter were to be reasonably relied on, this great trek, this unceasing movement of the unemployed and houseless, was in progress.

A witness, Mr. J. Prentice Murphy, from whom I quoted something a few minutes ago, asserted before the Committee on Manufactures, supplementing the statement, as I recall it, made by me a few moments ago about a million people being in this wandering group, the transient and the homeless, that the actual number of unsettled transients, in terms of families and individuals, may run as high as 2,000,000. I do not know what the latest facts are, but these reports were current at about the time our committee met.

There was reference in the testimony to the fact that large numbers of people, with their meager possessions, the total of their worldly goods, in their keeping, were moving from the North and West toward Florida, and that they were being met at the borders of that State and turned back. I do not say this in criticism, because doubtless Florida has its own problem.

"We must look after our own," is the normal expression with respect to relief. But this great problem of migratory or transitory relief must not be forgotten when we think of what the country faces, because if there is any problem which is national, that problem is to be found in this movement of the homeless from place to place.

I have here, and shall ask permission to insert in the RECORD some figures with respect to the number of meals served in the various cities of this country to transient persons during October of last year. They were compiled by the Children's Bureau in the United States Department of Labor and sent, in response to my request, by the Secretary of Labor.

Mr. President, these figures are incorporated in the RECORD to show not only the nature of the problem but the increase in the gravity of the problem with the advance of the winter. The figures also disclose the number of night lodgings which it was necessary to give in certain cities to handle these migratory workers who are being pushed on and on from place to place.

The VICE PRESIDENT. Is there objection to the request?

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

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, January 11, 1932.

HON. EDWARD P. COSTIGAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I transmit herewith figures compiled by the Children's Bureau of this department for family relief expenditures for 61 cities for the month of October, and lodgings and meals served to the transient and homeless for 62 cities for the same month. These figures will not be issued except in typewritten form, as the Children's Bureau will wait for the completion of figures for the calendar year 1931 before issuing another published report. The figures may be used, however, in any way that you desire.

Inasmuch as Senator LA FOLLETTE has requested the same information, and as the number of typewritten copies available is limited, I should appreciate it if these figures could be shared with him.

Respectfully yours,

ROBE CARL WHITE,
The Assistant Secretary.

SUPPLEMENT TO TABLE XIV.—*Per cent of change in number of nights' lodgings provided by agencies for the temporary shelter of homeless or transient persons from October to November, 1931, in 34 cities[1] of 50,000–100,000 population*

Altoona, Pa	76.6
Asheville, N. C	62.5
Bethlehem, Pa	20.2
Brockton, Mass	1.1
Charleston, S. C	−54.2
Charlotte, N. C	39.4
Chester, Pa	10.5
Greensboro, N. C	87.4
Holyoke, Mass	24.8
Kenosha, Wis	(2)
Lancaster, Pa	−2.6
Lawrence, Mass	−16.3
Little Rock, Ark	96.6
Mobile, Ala	70.1
New Britain, Conn	39.7
Niagara Falls, N. Y	−33.7
Pasadena, Calif	36.6
Pawtucket, R. I	23.1
Pontiac, Mich	9.8
Port Arthur, Tex	−43.0
Portland, Me	−27.4
Racine, Wis	206.6
Roanoke, Va	46.0
Rockford, Ill	63.1
Sacramento, Calif	3.5
Saginaw, Mich	4.7
Sharon, Pa	18.7
Shreveport, La	(3)
Sioux City, Iowa	133.9
Springfield, Ill	24.1
Terre Haute, Ind	26.4
Topeka, Kans	238.9
Winston-Salem, N. C	19.6
York, Pa	35.6

CHILDREN'S BUREAU, UNITED STATES DEPARTMENT OF LABOR

Supplement to Table XIII.—*Per cent of change in number of nights' lodgings provided by agencies for the temporary shelter of homeless or transient persons from October to November, 1931, in 29 cities[1] of 100,000 or more population*

Akron, Ohio	21.0
Albany, N. Y	6.2
Birmingham, Ala	−0.1
Bridgeport, Conn	15.9
Buffalo, N. Y	17.6
Cincinnati, Ohio	77.0
Cleveland, Ohio	14.7
Columbus, Ohio	22.1
Dayton, Ohio	−5.0
Detroit, Mich	54.9
Fort Wayne, Ind	25.6
Grand Rapids, Mich	3.2
Harrisburg, Pa	17.6
Kansas City, Mo	21.5
Knoxville, Tenn	62.4
Long Beach, Calif	185.3
Louisville, Ky	0.2
Lowell, Mass	30.0
Minneapolis, Minn	41.8
New Orleans, La	4.6
Newark, N. J	−0.6
Omaha, Nebr	405.7
Richmond, Va	−3.5
San Antonio, Tex	46.3
San Francisco, Calif	71.9
St. Louis, Mo	48.2
St. Paul, Minn	9.5
Tacoma, Wash	2.0
Utica, N. Y	−4.9

TABLE XV.—*Number of meals served by agencies for the temporary care of homeless or transient persons during November, 1931, in 29 cities[1] of 100,000 or more population*

Cities of 100,000 or more population:	Number of meals
Total, 29 cities	926,995
Akron, Ohio	1,301
Albany, N. Y	11,072
Birmingham, Ala	4,030
Bridgeport, Conn	4,044
Buffalo, N. Y	71,508
Cincinnati, Ohio	23,561
Cleveland, Ohio	53,617
Columbus, Ohio[4]	10,954
Dayton, Ohio	3,200

[1] Metropolitan areas, not limited to city proper.
[2] Not computed.
[3] No change.
[4] Reports on number of meals served to homeless or transient persons not received from one or more important agencies in this city.

Cities of 100,000 or more population—Continued.	Number of meals
Detroit, Mich.[4]	82,255
Fort Wayne, Ind	17,254
Grand Rapids, Mich	17,815
Harrisburg, Pa	11,892
Kansas City, Mo	23,410
Knoxville, Tenn	4,134
Long Beach, Calif	1,946
Louisville, Ky	2,578
Lowell, Mass	120
Minneapolis, Minn	211,203
New Orleans, La	11,131
Newark, N. J.[4]	16,266
Omaha, Nebr	9,032
Richmond, Va	3,303
San Antonio, Tex.[5]	284
San Francisco, Calif	219,252
St. Louis, Mo	71,230
St. Paul, Minn	15,191
Tacoma, Wash	22,290
Utica, N. Y	3,122

TABLES IV AND VI.—*Expenditures for family relief during October, 1931, by public departments and by private agencies in 33 cities[1] of 50,000 to 100,000 population*

Cities of 50,000 to 100,000 population	Relief expenditures		
	Total	By public departments	By private agencies[2]
Total, 33 cities	$374,397	$296,680	$77,717
Allentown, Pa.[3]	23,741	21,776	1,965
Altoona, Pa.[3]	8,951	7,622	1,329
Asheville, N. C	2,524		2,524
Bayonne, N. J	4,661	4,661	
Berkeley, Calif	13,601		13,601
Bethlehem, Pa	6,119	3,700	2,419
Brockton, Mass	24,732	21,486	3,246
Charleston, S. C	1,027	627	400
Chester, Pa.[3]	7,413	4,229	3,184
Evanston, Ill.[3]	10,079	4,097	5,982
Huntington, W. Va	1,926	524	1,402
Kenosha, Wis.[3]	28,315	25,282	3,033
Lancaster, Pa	6,977		6,977
Lawrence, Mass	23,518	22,020	1,498
Madison, Wis.[3]	7,744	5,877	1,867
Malden, Mass.[4]	16,569	16,543	26
Mobile, Ala	1,105		1,105
New Britain, Conn	14,779	14,539	240
New Rochelle, N. Y	2,706	2,267	439
Newton, Mass	4,468	3,552	916
Niagara Falls, N. Y.[4]	28,096	22,468	5,628
Oak Park, Ill	1,627	243	1,384
Pontiac, Mich.[3]	1,131	913	218
Portland, Me	8,116	7,342	774
Racine, Wis.[4]	55,008	54,802	206
Roanoke, Va	1,879		1,879
Sacramento, Calif.[5]	11,275	8,643	2,632
Saginaw, Mich	32,923	31,186	1,737
Shreveport, La	3,023		3,023
Sioux City, Iowa	3,610	2,258	1,352
Terre Haute, Ind	9,431	6,970	2,461
Topeka, Kans.[3]	4,273	3,053	1,220
Winston-Salem, N. C	3,050		3,050

[1] Metropolitan areas, not limited to city proper.
[2] May include public funds expended by private agencies.
[3] Public relief includes expenditures for county.
[4] Includes mothers' aid.
[5] Expenditures for relief under the blind aid and old age aid laws not included.

TABLES III AND V.—*Expenditures for family relief during October, 1931, by public departments and by private agencies in 28 cities[1] of 100,000 or more population*

Cities of 100,000 or more population	Relief expenditures		
	Total	By public departments	By private agencies[2]
Total, 28 cities	$2,909,014	$1,584,626	$1,324,388
Akron, Ohio	26,632	14,837	11,795
Buffalo, N. Y.[3]	244,873	221,118	23,755
Chicago, Ill.[4]	751,015	236,346	514,669
Cleveland, Ohio	305,821	6,367	299,454
Columbus, Ohio[4]	26,040	22,750	3,290
Dayton, Ohio	22,363	4,609	17,754
Denver, Colo	17,556	9,525	8,031
Des Moines, Iowa[4]	9,858	2,875	6,983
Detroit, Mich.[5]	546,717	529,034	17,683

(Footnotes in next column at end of table.)

[4] Reports on number of meals served to homeless or transient persons not received from one or more important agencies in this city.
[5] One agency reports that many transients received assistance in cash rather than in meals or lodgings.

TABLES III AND V.—*Expenditures for family relief during October, 1931, by public departments and by private agencies in 28 cities of 100,000 or more population*—Continued

Cities of 100,000 or more population	Relief expenditures		
	Total	By public departments	By private agencies
Grand Rapids, Mich	$71,533	$69,749	$1,784
Hartford, Conn	102,157	86,140	16,017
Kansas City, Mo.[4]	54,250	6,575	47,675
Knoxville, Tenn.[6]	4,899		4,899
Louisville, Ky.[4]	18,866	2,098	16,768
Lowell, Mass	28,564	23,894	4,670
Minneapolis, Minn	86,289	45,015	41,274
Newark, N. J	133,561	111,823	21,738
New Haven, Conn	23,651	13,822	9,829
New Orleans, La.[4]	17,880		17,880
Omaha, Nebr	10,124	2,142	7,982
San Francisco, Calif.[7]	97,124		97,124
South Bend, Ind	27,521	24,491	3,030
Springfield, Mass	73,428	67,556	5,872
St. Louis, Mo	98,524	14,650	83,874
St. Paul, Minn	29,014	15,427	13,587
Tacoma, Wash	10,517	5,334	5,183
Washington, D. C.[4]	21,065		21,065
Wilkes-Barre, Pa.[4]	49,172	48,449	723

[1] Metropolitan areas, not limited to city proper
[2] May include public funds expended by private agencies.
[3] Does not include expenditures for relief under the old age aid law which became effective in New York State, Jan. 1, 1931.
[4] Reports on expenditures for relief not received from one or more important agencie in this city.
[5] Amount shown includes expenditures for relief in Hamtramck and Highland Park.
[6] Amount shown includes expenditures from public funds for "made work."
[7] Expenditures for relief under the blind aid and old age aid laws not included.

TABLE XV.—*Number of meals served by agencies for the temporary care of homeless or transient persons during October, 1931, in 28 cities[1] of 100,000 or more population*

Cities of 100,000 or more population:	Number of meals
Total, 28 cities	648,681
Akron, Ohio	1,281
Albany, N. Y	5,751
Birmingham, Ala	3,253
Bridgeport, Conn	4,048
Buffalo, N. Y	57,987
Cincinnati, Ohio	7,540
Cleveland, Ohio	49,168
Columbus, Ohio[2]	9,088
Dayton, Ohio	3,384
Detroit, Mich.[2]	26,154
Grand Rapids, Mich	16,297
Harrisburg, Pa	9,590
Kansas City, Mo	22,328
Knoxville, Tenn	2,598
Long Beach, Calif	949
Louisville, Ky	2,428
Lowell, Mass	80
Minneapolis, Minn	146,080
New Orleans, La	11,683
Newark, N. J.[2]	16,079
Omaha, Nebr	3,112
Richmond, Va	3,975
San Antonio, Tex.[2]	215
San Francisco, Calif	163,385
St. Louis, Mo	51,132
St. Paul, Minn	10,237
Tacoma, Wash	17,553
Utica, N. Y	3,306

SUPPLEMENT TO TABLE XV.—*Per cent of change in number of meals served by agencies for the temporary shelter of homeless or transient persons from September to October, 1931, in 28 cities[1] of 100,000 or more population*

Akron, Ohio	28.6
Albany, N. Y	549.1
Birmingham, Ala	20.0
Bridgeport, Conn	17.0
Buffalo, N. Y	17.3
Cincinnati, Ohio	9.5
Cleveland, Ohio	30.6
Columbus, Ohio	3.3
Dayton, Ohio	33.9
Detroit, Mich	117.4
Grand Rapids, Mich	18.5
Harrisburg, Pa	45.1

[1] Metropolitan areas, not limited to city proper.
[2] Reports on number of meals served to homeless or transient persons not received from one or more important agencies in this city.
[3] One agency reports that many transients received assistance in cash rather than in meals or lodgings.

Kansas City, Mo	35.1
Knoxville, Tenn	39.7
Long Beach, Calif	15.5
Louisville, Ky	54.5
Lowell, Mass	40.4
Minneapolis, Minn	31.2
New Orleans, La	9.3
Newark, N. J	16.9
Omaha, Nebr	13.8
Richmond, Va	32.7
San Antonio, Tex	27.2
San Francisco, Calif	683.6
St. Louis, Mo	40.7
St. Paul, Minn	26.6
Tacoma, Wash	30.2
Utica, N. Y	22.9

TABLE XVI.—*Number of meals served by agencies for the temporary shelter of homeless or transient persons during October, 1931, in 34 cities[1] of 50,000, to 100,000 population*

Cities of 50,000 to 100,000 population:	Number of meals
Total, 34 cities	84,407
Altoona, Pa	252
Asheville, N. C	633
Bethlehem, Pa	144
Brockton, Mass	1,832
Charleston, S. C	342
Charlotte, N. C	3,744
Chester, Pa	13,920
Greensboro, N. C	1,768
Holyoke, Mass	77
Huntington, W. Va	687
Kenosha, Wis	15
Lancaster, Pa	6,892
Lawrence, Mass	84
Little Rock, Ark	985
Mobile, Ala	1,158
New Britain, Conn	444
Niagara Falls, N. Y	379
Pasadena, Calif	6,720
Pawtucket, R. I	56
Pontiac, Mich	123
Port Arthur, Tex	250
Portland, Me	377
Racine, Wis	215
Roanoke, Va	2,073
Rockford, Ill	9,224
Sacramento, Calif	15,631
Sharon, Pa	250
Shreveport, La	3,461
Sioux City, Iowa	164
Springfield, Ill	4,361
Terre Haute, Ind	3,970
Topeka, Kans	772
Winston-Salem, N. C	1,299
York, Pa	2,105

SUPPLEMENT TO TABLE XVI.—*Per cent of change in number of meals served by agencies for the temporary shelter of homeless or transient persons from September to October, 1931, in 34 cities[1] of 50,000 to 100,000 population*

Altoona, Pa	127.0
Asheville, N. C	21.0
Bethlehem, Pa	63.6
Brockton, Mass	1.7
Charleston, S. C	−7.3
Charlotte, N. C	30.4
Chester, Pa	32.8
Greensboro, N. C	30.8
Holyoke, Mass	51.0
Huntington, W. Va	13.2
Kenosha, Wis	−11.8
Lancaster, Pa	7.0
Lawrence, Mass	−1.2
Little Rock, Ark	−27.7
Mobile, Ala	167.4
New Britain, Conn	26.9
Niagara Falls, N. Y	117.8
Pasadena, Calif	83.2
Pawtucket, R. I	60.0
Pontiac, Mich	66.2
Port Arthur, Tex	3.7
Portland, Me	56.4
Racine, Wis	(2)
Roanoke, Va	11.2
Rockford, Ill	61.7
Sacramento, Calif	183.5
Sharon, Pa	41.2
Shreveport, La	282.0
Sioux City, Iowa	80.2
Springfield, Ill	92.5
Terre Haute, Ind	127.4
Topeka, Kans	52.6
Winston-Salem, N. C	78.4
York, Pa	172.7

[1] Metropolitan areas, not limited to city proper.
[2] No change.

Mr. COSTIGAN. Mr. President, I trust you will permit me to turn to another branch of the subject which was mentioned by the Senator from Wisconsin [Mr. LA FOLLETTE] and has been referred to since, but has not been in any full way considered by the Senate. Perhaps, however, before I do so reference should be made, as we look back on the facts brought together for the consideration of the Senate, to one feature of the problem for meeting relief needs which may be overlooked.

We are face to face with the question whether it is wise at this time to depend on voluntary contributions, notwithstanding the fact that this country from the beginning has never relied on such voluntary contributions, or whether we must in the long run rely on funds contributed by the taxpayers. I want nothing that I shall say to be taken as in the slightest respect derogatory to the magnificent generosity which characterizes the American people with respect to their voluntary response to relief needs, but those who believe we should rely wholly upon voluntary contributions should be reminded that it is not always in accordance with the dignity of government and with the highest standards of this country to follow the methods which must too often be used in raising large private funds. For example, is anything gained for public morale, is anything contributed to the good will of the world, when we must move our fellow citizens in the direction of generosity by such advertisements as the following, which appeared in this country in connection with the 1931 program of the President's Unemployment Commission? This is an advertisement which ought to be read into the RECORD for permanent reference:

TO-NIGHT SAY THIS TO YOUR WIFE, THEN LOOK INTO HER EYES

"I gave a lot more than we had planned. Are you angry?"

If you should tell her that you merely "contributed"—that you gave no more than you really felt obliged to—her eyes will tell you nothing. But deep down in her woman's heart she will feel just a little disappointed, a tiny bit ashamed.

But to-night confess to her that you have dug into the very bottom of your pocket; that you gave perhaps a little more than you could afford; that you opened not just your purse but your heart as well.

In her eyes you'll see neither reproach nor anger. Trust her to understand. Trust her to appreciate the generous spirit, the good fellowship, and manly sympathy which prompted you to help give unhappy people the courage to face the coming winter with their heads held high with faith and hope.

It is true the world respects the man who lives within his income. But the world adores the man who gives beyond his income.

No; when you tell her that you have given somewhat more than you had planned you will see no censure in her eyes. But love!

THE PRESIDENT'S ORGANIZATION ON UNEMPLOYMENT RELIEF,
WALTER S. GIFFORD, *Director.*
COMMITTEE ON MOBILIZATION OF RELIEF RESOURCES,
OWEN D. YOUNG, *Chairman.*

Mr. President, that is relief by propaganda. We are here asking relief in accordance with the soundest social service standards this country may establish.

I turn now for a very brief time to a discussion of certain constitutional limitations affecting State and local appropriations for relief funds. This subject has an important bearing on proposals to make loans to the several States and to various municipalities. Some reference was made to the problem early in the debate. Its importance has been accentuated by the submission of a proposed substitute for the bill now before the Senate.

In response to my request for information in this field the Secretary of Labor transmitted a memorandum on what is termed "a preliminary review of constitutional limitations affecting State and local relief funds." It was prepared by two members of the bar, Mr. Heisterman and Miss Keener, both graduate lawyers, Mr. Heisterman having practiced at the bar for a considerable time. It discusses, among other things, the constitutional limitations on direct State or local aid to individuals, corporations, or associations, and the constitutional limitations on incurring indebtedness by States

and their local communities; also certain court decisions on the constitutional limitations against extending aid or credit to individuals.

It will suffice for my purposes to say briefly that in certain States of the Union, some 13 in number, it appears that there are definite limitations on State aid to individuals. Those States are Arizona, California, Colorado, Georgia, Louisiana, Mississippi, Missouri, Montana, New Mexico, North Dakota, Pennsylvania, Texas, and Wyoming. The memorandum gives the appropriate references to the constitutions of those different States. In six States, including Colorado, the limitations on State aid to individuals are reported as being absolute. Our Colorado constitutional clause reads as follows in this field:

No appropriation shall be made for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of the State.

Perhaps a more important part of the discussion for our purposes relates to the constitutional limitations on incurring indebtedness by States and their local units. It may be of interest to Members of the Senate to know that in most of the States their constitutions expressly prohibit the State from granting its credit to or in aid of any individual, association, or corporation. Some of the States also prohibit the legislature from authorizing local communities so to extend their credit.

In 34 of the States of the Union, beginning with Alabama and including Kentucky, Louisiana, Pennsylvania—I cite these merely as illustrations—and ending with Wisconsin, credit may not be lent or extended, if the constitutional clauses are interpreted according to their purport, to or in aid of any individual, association, or corporation. The Senator from Wisconsin [Mr. LA FOLLETTE] indicated the other day that in order for that State to borrow money from the Federal Government it would be necessary to amend the constitution of Wisconsin, and that process would take approximately six years.

In 17 of the States to which I have referred the constitutions also, according to this memorandum, either expressly forbid any county or other local community to give, lend, or extend its credit to any individual, association, or corporation, or expressly forbid the legislature to authorize such action.

Mr. President, I think it will be serviceable to the Senate if this memorandum in full may be printed at the close of my remarks as an exhibit.

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

(See Exhibit B.)

Mr. COSTIGAN. Mr. President, I now come particularly to the bill before the Senate. Doubtless before I conclude my remarks there should be some reference made to the separate sections of the measure, and I shall endeavor quickly to summarize the sections.

Section 1 of the bill is the enacting clause and declares the policy of cooperation between the Federal Government and the several States.

Section 2 authorizes an appropriation of $375,000,000.

Section 3 provides for general Federal administration. It creates the Federal Emergency Relief Board, to consist of the Chief of the Children's Bureau in the Department of Labor, the director of extension work in the Department of Agriculture, the Chief of the Vocational Rehabilitation Service of the Federal Board for Vocational Education, and two members to be appointed by the President. It should be said in connection with the designated officials who are now serving the Government that they have had a very substantial experience in dealing with Federal aid acts in various parts of the country and are peculiarly fitted without additional expense to do the sort of work designed under the pending bill.

The section provides that the board may elect its own chairman. Its existence is terminated two years after the date of enactment of the act, and all moneys then held by it are to be covered into the Treasury. The general administrative authority is given to the Children's Bureau in the Department of Labor, subject to the supervision of the board. No new administrative machinery is set up.

Section 4 provides that 40 per cent of the amounts appropriated are to be apportioned among the several States on the population basis, and it is provided that payments made in any calendar year to the State from this apportionment shall not be in excess of two-thirds of the amounts appropriated within the State. The balance of the funds are available for administrative expenses and as a reserve fund to be apportioned to the States on the basis of need.

Paragraph C of section 4 makes it possible for the unexpended apportionment to any State to revert to the reserve fund and not remain "frozen" permanently if the State can not qualify or does not need the fund.

Paragraph D allocates $350,000 for Federal administration.

Paragraph E authorizes an immediate payment of $5,000, if necessary, for any State to prepare the essential information.

Section 5 indicates the State administrative plan. It provides that a State, through its legislative authority, or by the governor if the legislature is not in session, shall designate or create an agency to cooperate with the board. It specifies that in any State having a State department of welfare or charities such department shall administer the provisions of the act, although it permits States which have set up by law emergency organizations for the administration of relief to designate such organizations.

Section 6 outlines the procedure and requirements for States to follow in order to receive the benefits of the act. An estimate of the funds appropriated and actually expended for emergency relief by public and private agencies in the States for the years 1929, 1930, and 1931 and estimates of the amounts necessary to meet the emergency relief needs of 1932 and 1933 must be submitted. Adequate State administrative personnel must be assured. The outline of plans to be developed locally must include provision for migrant persons—the very subject to which I referred a moment ago.

After confirming the reports of the State, if the plans are "reasonably appropriate and adequate" to carry out the provisions of the act, they must be approved by the board.

Section 7 provides another further check upon the portion of the Federal funds to be allocated on the basis of population. The board may not certify to the State payment of more than 40 per cent of the difference between the estimated emergency relief expenditures for the calendar year 1929 and the needs of the State for 1932 or 1933, as the case may be.

Section 8 provides for certification to the Secretary of the Treasury of the amount of moneys apportioned to the State on the basis of population.

Section 9 provides for certification to the Secretary of the Treasury of certain essential information showing that the States have complied with the terms of the act and are eligible to payment.

Section 10 provides that needy States may be given funds from the reserve fund.

Paragraph B authorizes the Federal Government to make special provision for migratory persons and their families.

Section 11 contains the provision customary in Federal aid acts providing that certifications may be revoked if the Federal moneys have been improperly expended.

Section 12 defines the words "emergency relief."

Section 13 contains a final statement of policy in respect to State autonomy.

Perhaps that section should be read. It is as follows:

SEC. 13. This act shall be construed as intending to secure to the several States control of the administration of this act within their respective territorial limits, subject only to the provisions and purposes of this act.

Mr. President, it may be of interest, as a part of the permanent RECORD, to recite in this connection that a com-

mittee appointed to deal with methods of administration of the Social Work Conference on Federal Action in New York City, which considered the measure before us and the preceding bills which were combined to produce the measure now pending, definitely reported certain conclusions concerning the wisdom of the proposed legislation. The substance of the conclusions reached by that committee, with the permission of the Senate, will be added at this point, as part of my remarks.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

REPORT OF THE SUBCOMMITTEE ON METHODS OF ADMINISTRATION, NOVEMBER, 1931

I. We believe that the principle of matching Federal funds with State funds should be recognized, but interpreted in a flexible manner. The need in the several States, and their ability to match funds, will vary greatly, and the object of the Federal Government should be to apply the bulk of the funds where the need is greatest.

We therefore recommend:

(a) A small preliminary outright grant to each State which desires to participate, to enable it promptly to assemble information as to the extent of unmet need within its borders.

(b) A secondary grant to be matched equally by State funds, for the purpose of setting up administrative machinery within the State.

We would strongly urge that any appropriation of public funds for relief purposes carry with it the provision that part of the fund must be used for administrative and supervisory purposes.

(c) Further grants for relief purposes, upon a flexible basis * * *. The acceptance of Federal funds by the States should carry with it the acknowledgment that the Federal administrative agency can lay down certain uniform standards which shall be followed within the several States in the administration of the funds.

II. As a corollary to the foregoing we believe that the Federal authority should have all its dealings on the question of the allocation of relief directly with State governments. It should not itself attempt to disburse relief locally or delegate the task to any single nation-wide agency.

We would also urge that the already-existing channels established by State and local governments for the distribution of relief be used. Latitude would have to be allowed to States having no strong departments of public welfare or other central body charged with welfare responsibility to set up an emergency central administration, but the use of such State departments as the administrative authority within the State should be insisted upon wherever possible.

In making this statement of opinion, we recognize the danger that some State governments may be unaware of the extent of the distress in their territory. They are, however, one degree more responsible for the consequences if Federal aid which was available was not sought. Any governor may convene a special session of his legislature to consider a proposal of such importance as unemployment relief; and we believe that no serious delay will be introduced by proceeding in an orderly manner, dealing with 48 sovereign States instead of more than 3,000 counties and an indefinite number of municipalities.

III. We believe that the initiative in participating in Federal aid should be taken by the several States, and that the governor of the State should prefer the request either directly or through such representatives as he may appoint. In order to protect a governor against undue pressure from unofficial bodies of citizens within his State, the Federal authority should demand of him such information to be submitted with the application as will necessitate his calling into consultation the heads of the appropriate State departments, such as the department of public welfare, the attorney general, and the departments involved in taxation and budget making. Representatives of organized groups having special knowledge of conditions such, for instance, as a State conference of social work, or a State league of municipalities, should also be called into consultation by the governor.

IV. The agency set up by the Federal Government to handle such an appropriation would have, as we see it, two main functions:

(a) Allocation of funds. This is a complicated process which will raise many controversial issues. Determination of the amount to be allocated to each State will involve consideration of such matters as:

1. The extent of the relief needs in the State.

2. The adequacy of existing public and private resources to meet these needs.

3. The ability of the State and local governmental units to increase their public appropriations. This will frequently raise questions as to State and local taxing power, borrowing capacity, and legal and other limitations thereon, requiring the knowledge of experts in problems of taxation and government.

4. Fixing the amount of the discretionary allocation on the basis of the difference between the total approximate need and the total of actual and potential resources as determined in two and three above. (Appendix No. 2.)

We, * * *, favor the creation of a small board of allocation, limited to a term of not more than two years, charged with such functions as are described above, and containing qualified social workers among the groups to be represented. For the reasons given below, we believe that the Director of the Children's Bureau of the Federal Department of Labor should be named as the executive officer of this board.

(b) Administration of funds: This should be a supervisory function, consisting in the setting up of standards for the ultimate distribution of the funds through State and local channels, of stimulation toward the use of approved methods, and trained personnel where procurable, and of field supervision to make sure that the conditions of State participation are understood and adhered to. This entire function should, in our judgment, be delegated by the central Federal agency to that arm of the Federal Government best fitted to undertake it. We believe this to be the Children's Bureau of the Department of Labor. This bureau has had numerous and close contacts with State and local departments of public welfare, in connection with mothers' aid and in its local surveys. Although it has hitherto had no direct responsibility in the field of general public welfare, it has supervised the administration of combined Federal-State funds in another field. Its personnel consists of highly trained and skilled social workers. The legislation establishing a Federal-aid fund should contain a special appropriation, according to a predetermined budget, for the expenses involved, both in allocation and in supervision.

V. In administering a Federal relief fund, we should like to point out that a serious problem will arise in regard to the relief of persons who have no legal settlement. An unknown number of homeless men are, as is well known, constantly on the move from job to job. Seasonal industries depend upon these men turning up when and where needed; but when there is no work, and they become destitute, local communities are reluctant to assume any responsibility for their relief.

To this must be added a comparatively new problem—that of the hitch hiker and automobile migrant, who may or may not have lost his legal residence. Entire families are frequently found who have had no settled habitation for years, the children growing up neglected and without schooling. Particularly this winter have our Southern States been flooded by non-resident families from the North seeking work and a warmer climate. Local communities have no resources for dealing with such problems, and no State has developed an adequate program. These unfortunates are being passed on from town to town and State to State, turned back from State borders, sometimes, by intimidation, nowhere wanted and nowhere finding an abiding place.

Such persons, though citizens of no community, are citizens of the United States and can not be left out of the reckoning when it comes to Federal relief. As an inducement to local communities to care for them wherever found, we suggest that provision be made by which States may receive grants, over and above those given them for their own residents, in reimbursement for moneys expended by them for the care of persons for whom no legal settlement can be discovered. (Appendix No. 3.)

VI. Owing to the increasing popularity of work relief, the several States participating will doubtless wish to be free to use part or all of the Federal funds allotted to them for relief in the form of wages. We do not believe that the experience of the past winter justifies the concentration of the major portion of the funds upon work relief. Wages can not readily be adjusted to size of family and other income, as can relief in the home. Men on work relief have only half their time free to pick up other work. For these and other reasons, it has been found that a work-relief program is nearly twice as expensive as home relief for the same number of families. It is true that the community profits by the work accomplished and that most people prefer to earn their relief instead of receiving it as an outright gift; but if funds are limited and the need great, however, speed and economy suggest that direct relief should be preferred to work relief. We would, therefore, recommend that not over one-third of the funds allowed to a State be put into work-relief projects. (Appendix No. 4.)

Respectfully submitted.

JOANNA C. COLCORD, *Chairman*,
FRANK BANE,
ALLEN T. BURNS,
C. C. CARSTENS,
WALTER M. WEST,
Subcommittee on Administration.

Mr. COSTIGAN. Mr. President, I had expected, following the summary of the bill just given, to enumerate certain outstanding reasons for supporting it. I find, however, that this task has been done better, certainly more concisely, by a gifted educator in Southern California, whose enumeration of the reasons for supporting the measure has just come into my hands. I venture to quote his clear analysis and statement of reasons in support of the bill. They are:

1. Federal aid is in accord with policies already definitely established. Therefore, no real innovation is involved.

The system of Federal aid is exemplified by the grant to the States of section 16 of every township organized under the Fed-

eral land system. Furthermore, in 1862 the Morrill land grant law resulted in definite grants to agricultural colleges. However, a new policy was begun in 1911. This provided for the sharing of funds for particular State enterprises and placed definite responsibility on each State accepting the Federal plan. The Federal Government made appropriations only on condition that the State make similar appropriations and carry out the subject to approval by an appropriate Federal board. Accordingly, only the States that attempted self-help were benefited. Such procedure is in accord with sound principles of philanthropy. Among the more important Federal measures involving aid to the States are the following:

Forest-fire prevention, 1911; Smith-Lever agricultural extension, 1914; good roads law, 1916; Smith-Hughes or vocational education law, 1917; Chamberlain-Kahn law, 1918; industrial rehabilitation law, 1920; Federal highway law, 1921; Sheppard-Towner or maternity and infancy law, 1921; protection of forest lands, 1924.

These laws are evidence that the principle of Federal aid is well accepted.

2. The emergency need of to-day is a national crisis depending on nation-wide conditions, and therefore requires the application of a nation-wide program.

No sane man would contend that the collapse of the auto industry in Detroit was chargeable against Detroit or even against Michigan. Everyone knows that it is due to nation-wide incapacity to buy. The textile industry of Fall River, Lowell, Philadelphia, and other cities is suffering not because of the people of those cities, or of the States in which the cities are located but because of nation-wide conditions. The distress witnessed by the orange and grape industries can not be blamed on California.

American industry is national in its scope and activities. Success and failure depend not on local markets but on the purchasing power and on the conditions of the people throughout the country. To require that needs be met by local communities or by States regardless of their capacity to deal with general situations is gross negligence, inhumanity, and a dark blot on our national honor.

3. Prevention and cure are not possible until the political organization capable of developing a constructive program also shares the responsibility for the relief of undesirable conditions. It is unscientific to place the entire burden of relief on a group that is not responsible for conditions and that is unable to develop an adequate preventive program. Therefore the Federal Government should assist in handling the emergency relief problem.

4. The local burden has become too great and Federal aid is needed. The reports from 130 cities show that local relief funds have increased about 14.3 per cent over last year, but the needs of our largest cities have risen to a figure varying from 319 to 613 per cent more than the amounts needed in 1929. The jobless in New York are reported as totaling 800,000 persons. In Philadelphia nearly one-half of the wage-earning population is out of work. It is estimated that by March 150,000 Chicago families will be destitute if Federal relief is not made available. Mr. Allen T. Burns, director of the American Association of Community Chests, formerly opposed to Federal aid, is now supporting it. He has said that the amounts needed are four times as great as those which the community chests can collect.

Furthermore local communities are limited in their resources; neither county or city can increase their debts beyond certain proportions. Furthermore the people can not afford to, or will not, vote to issue more bonds. The cost of local government has become prohibitive, and popular support of measures for the adequate care of the distressed has become impossible. Local public expenditures in 1928 aggregated $6,800,000,000, or $57 per capita.

5. State aid is financially very difficult and at times impossible.

Gross expenditures by the States have increased from $77,000,000 in 1890 to $1,800,000,000 in 1928, or an increase of 1,240 per cent. Even now the States are unable to care properly for the various handicapped and delinquent groups for which State care has become the accepted plan. In addition numerous States are handicapped by constitutional prohibitions.

6. The Federal Government possesses wide taxing powers and is able to obtain funds when the lesser political jurisdiction must necessarily fail.

7. Federal aid would distribute the burden among the States and communities able to bear the burden.

The amount of tax contributed by a State is no indication of its basic wealth. In fact the State paying the largest amount of internal revenue stands tenth when measured from the standpoint of national resources and basic wealth.

8. The problem in most cases can not be locally met without Federal aid. In Los Angeles, for example, the number unemployed, variously estimated as from 150,000 to 200,000, can not be given sufficient relief to prevent the degradation of thousands of our citizens. The niggardly sums allotted by the county welfare department and the desperate efforts of the private philanthropies to make the money reach are proof of the inability of our community to meet the present problem of dependency. Nor is it right that it should unless it is responsible for the conditions themselves.

9. Senate bill 3045 preserves the principle of local administration and would promote greater efficiency in the administration of local and State relief.

Grants would be made only on conditions laid down by the Federal board. This board is authorized to establish minimum standards of administration and service. As a consequence improved technique would be adopted by the local relief-giving agencies.

10. The bill provides for the flexibility needed in the administration of a relief program. The bulk of the moneys can only be used according to need, and the Children's Bureau, the most skillful of such Federal agencies, is charged with supervisory functions, under the direction of the emergency board.

11. The bill would make unnecessary the vicarious sacrifice of helpless communities to political principles that are out of harmony with adequate measures for the handling of current economic and social needs. It is idle to argue that the Federal Government can assist in the building of roads, in an educational program for the development of economic efficiency, in a campaign to eliminate the fruit fly, the corn borer, the boll weevil, and even the plague-bearing rat; but it must not attempt to prevent the starvation of luckless men, women, and children, whose political allegiance is primarily not to States, not to counties, or to cities, but first, last, and always to the American flag and to the Nation whose spirit that flag embodies. Since when may the Federal Government protect the wealth and the economic interests of the various States and not protect the lives and health of its citizens?

Mr. President, I have spoken at some length without expressing a tithe of what is in my mind and spirit. I shall, however, close with but one further word. I shall end, as I began, with some reference to certain landmarks of the past.

There is one that touches all hearts. It is written that "Christ Himself was poor"—a statement which not only warns the world of its trusteeship, but as well reminds us of the leadership the world would have lost had it practiced ruthlessness—the massacre of the innocents—toward its less fortunate.

Garfield, the towpath boy; Lincoln, the rail-splitter; Andrew Jackson, the son of landless immigrants, and other American leaders too numerous to mention, prove again and again that the roots of genius, unspoiled by privilege, are nourished best in the soil of average and equal humanity.

America must guard the welfare of those citizens who in the long run guard America. A heedless attitude in our new age of consolidated wealth and economically dependent millions of human beings is impossibly cruel and recklessly self-destructive.

The economic cyclone which for three successive winters has blown across the scarred face of America with undiminished force, and cumulative wreckage was not more personally summoned by its victims than fire, flood, earthquake, or plague. We owe to our self-respect, our civilized standards, and our national honor a rational attitude of generous understanding toward our stricken fellow men. Strengthened by that conception our country grew to greatness. No lesser vision can permanently save America.

Mr. President, I trust the Senate, on due consideration, will reject all unworthy amendments openly or clandestinely designed to kill the pending measure, and will finally approve the measure under discussion with all its essential features substantially unchanged. The measure, in my judgment, if promptly enacted and fairly administered, will add new luster to our country's name, and will confirm our finest traditions of self-government, equality, justice, and humanity.

EXHIBIT A

FEDERAL AID TO THE STATES—REPORT OF THE COMMITTEE ON FEDERAL AID TO THE STATES OF THE NATIONAL MUNICIPAL LEAGUE

Prepared by Austin F. Macdonald, University of Pennsylvania, chairman

FOREWORD

The committee on Federal aid to the States was appointed by the National Municipal League in 1927. The personnel, as shown below, is representative of the various groups interested in this important subject.

The preparation of the committee's report was intrusted to the chairman, Prof. Austin F. Macdonald, of the University of Pennsylvania, who made an exhaustive study of all phases of the system of Federal aid and who is to-day an outstanding authority on the subject. Although the report was prepared by the chairman, the other committee members have given advice and suggestions for certain minor corrections which are incorporated in this final draft.

Part I of the report summarizes the origin, development, and present extent of Federal aid to the States. Part II concisely discusses the Federal aid laws and appraises the manner in which they are administered. Part III is a critical estimate of the

Federal-aid system, with recommendations by the committee for needed improvements in administration by the Federal and State Governments.

The personnel of the committee which sponsors this report is as follows:

Austin F. Macdonald, chairman, University of Pennsylvania; H. J. Baker, State director of Agricultural Extension Work Rutgers College, New Brunswick, N. J.; Mrs. La Rue Brown, National League of Women Voters; Paul H. Douglas, University of Chicago; Thomas H. MacDonald, Chief, Bureau of Public Roads, United States Department of Agriculture; John N. Mackall, chairman State Road Commission, Maryland; John K. Norton, director of research, National Education Association; S. H. Thompson, president American Farm Bureau Federation; and James T. Young, University of Pennsylvania.

Part I. Introduction

The history of the present Federal-aid policy dates from 1911. In that year Congress passed a statute, popularly known as the Weeks Act, which contained an appropriation of $200,000 "to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in protection from fire of the forested watersheds of navigable streams." (36 Stat. L. 961.)

There was nothing new or unusual about the payment of Federal funds to the States. For more than a century Congress had been busily engaged in granting to the States millions of acres of Federal domain and millions of dollars of Federal money. (Cf. Orfield, M. N., Federal Land Grants to the States, and Keith and Bagley, The Nation and the Schools.) Nor was it surprising that the act should specify the purpose for which the subsidy was to be used. Nearly all the earlier grants carried with them the stipulation that they must be used for schools or roads, or for some other definite purpose. (An act of Congress of 1802 granted land to Ohio for the use of schools. Cf. 2 Stat. L. 173.) In fact, when Congress authorized Federal subsidies to the States for the establishment of State agricultural colleges and agricultural experiment stations, it even went so far as to require annual reports from the colleges and stations established under the several acts. (12 Stat. L. 503; 14 Stat. L. 208; 24 Stat. L. 440; 25 Stat. L. 176; 26 Stat. L. 417; 34 Stat. L. 63, 1256, 1281.)

PROVISIONS OF THE WEEKS ACT

But the Weeks Act was unique in that it provided for Federal inspection of State activities, and made continuance of Federal aid dependent upon Federal approval of State plans. In other words, it purchased for the Federal Government a measure of control over matters which had commonly been regarded as affairs of purely State concern ever since the adoption of the Federal Constitution. Earlier subsidy laws had directed in general terms that the grants be used for highways or for schools, but they had made no attempt to specify the kinds of highways or the types of schools. Still more significant, they had established no medium through which the Federal Government could learn whether the States were keeping faith. Under their provisions some States might choose to squander their allotments (many States did squander their allotments. In 1919 the State treasurer of Wisconsin declared: "If the State of Wisconsin had not practically given away its valuable school lands years ago, we would not have to raise any school taxes for generations to come. In years gone by the State sold hundreds of thousands of acres of fine timber lands for a mere song. Had that timber been preserved * * * it would now maintain the schools of the State for generations to come without raising 1 cent for school purposes by taxation." (Keith and Bagley, op. cit. pp. 55–61.) Instances of this sort might be multiplied ad nauseam), while other States might use their portions with honesty and foresight; but in any event Federal funds would continue to descend, with almost divine beneficence, upon the just and the unjust alike.

The act of 1911 set up a new standard. The Federal grant for fire protection, though expended by State officials, must be spent by them subject to Federal approval. Their fire prevention plans must be satisfactory to the Federal Forest Service. Equally significant, every allotment received from the Federal Treasury must be matched dollar for dollar by State funds. And even the manner of spending these State appropriations must meet the approval of Federal officials. The Weeks law thus contained in embryonic form the essential features of the present subsidy system—all details of administration in State hands, subject to Federal approval, and State matching of Federal funds.

FEATURES OF THE SUBSIDY SYSTEM

It was not long before the principles of the 1911 law were embodied in other statutes. In 1914 Congress passed an act providing for a subsidy of several million dollars to stimulate agricultural extension work, and during the following seven years six other Federal-aid measures were enacted into law. (One of them, the Chamberlin-Kahn Act, providing for the control of venereal disease, was essentially a war-time measure, and work under it has since been discontinued.) All these acts contain certain features in common—features which have now become characteristic of the American subsidy system. They provide for the payment of money from the Federal Treasury to the States. This money is apportioned, generally speaking, on the basis of population. (The forest fire-prevention subsidy is an exception. Population is only one of three bases used in determining the apportionment of funds for highway construction.)

Three important conditions are attached to every one of these newer Federal-aid laws. The first condition imposed is that a State, before receiving Federal funds, must formally accept the Federal offer. Acceptance implies that it will do its share to make the work a success. It involves the establishment of a cooperating State agency. If Federal bureaus are to cooperate with State governments, they must have State agencies with which to do their cooperating.

The second stipulation is that a dollar of State funds must be appropriated for every dollar of Federal funds received. The appropriation of State money is a prima facie evidence of good faith; it is concrete evidence that the State is interested in the work, and is willing to do something more than spend the Federal allotment. As a matter of fact, most States do considerably better than match the Federal subsidy; frequently the State appropriation is two or three times as large as the Federal grant.

The third condition is by far the most important. It is that State plans must be approved by Federal officials, and that State and Federal money alike must be spent under Federal supervision. The initiative remains in State hands. State officials prepare their budgets, formulate their policies, outline their plans. State officials choose their subordinates, direct the actual work, spend the money. But State budgets, policies, and plans must be approved by the Federal Government. State standards must be acceptable to Federal officials. State activity must produce results.

ACCEPTANCE OPTIONAL WITH STATES

There is no suggestion of compulsion in all this. A State must establish a board of vocational education, a highway department, or the like, only if it wishes to secure its share of the Federal grant. Its plans must conform to Federal standards only if it desires to obtain Federal money. It is entirely free to refuse the Federal offer and to carry on its own program without Federal inspections or Federal advice. Or it may make no provision whatever for vocational education or highway construction, as it sees fit. But in order to become eligible for the Federal allotment it must formulate satisfactory plans and must execute them in a satisfactory manner.

The Federal offer is in no sense a club. It is an inducement intended to secure a reasonable measure of uniformity and reasonable minimum standards without taking from the States the control of their own affairs. In fact, it is so powerful an inducement that scarcely a State can resist it. All the States accept the Federal subsidy for vocational education, for highways, for agricultural extension work. Only one refuses its National Guard allotment. Forty have adopted approved programs of civilian rehabilitation and 45 are cooperating with the Federal Government in child hygiene work. The number of States qualifying for the forest fire-prevention subsidy is limited, of course, by the number of States having forests and forest-fire problems. Without attempting coercion in any way, the Federal Government has found a means of inducing virtually all the States to pay respectful attention to its suggestions.

In 1912, the first year of cooperation with the States under the Weeks law, the total amount of Federal funds paid to the State governments was a trifle more than $8,000,000. Most of this money—99 per cent of it, in fact—went for purposes over which the Federal Government exercised virtually no control. State agricultural colleges and agricultural experiment stations were large beneficiaries. Large sums were paid to the States from the sale of Federal lands within their borders. The State militia organizations were supported in considerable part with Federal money. And these grants were made without any real attempt to insure their proper use. The States were left to their own devices.

IMPROVED STANDARDS OF ADMINISTRATION

But the Weeks law established an important precedent. It pointed the way to improved standards and more satisfactory results. Congress began to realize the possibilities inherent in a system of Federal aid. Since Federal money was to be paid to the States, the Federal Government might well ask something in return. It might require the States to establish proper standards and it might demand the right to satisfy itself that these standards were maintained.

THE GROWTH OF FEDERAL SUBSIDY

Since 1915 Federal subsidies to the States have grown by leaps and bounds. In 1915 the total of Federal payments was $10,000,000; by 1920 it was nearly $36,000,000. The next year it mounted to $90,000,000, an increase of 150 per cent within a period of 12 months. The 1927 Federal-aid payments amounted to $136,000,000. Compared with the $8,000,000 of 1912, the 1927 total seems large, indeed. But far more significant than the amount is the fact that 95 per cent is given to the States with definite conditions attached. Ninety-five per cent is paid to the States only after State work has met the approval of Federal inspectors.

The chart on the following page shows the growth of Federal aid, year by year, since 1912.

The largest subsidy is for highway construction. Nearly 60 per cent of all Federal aid is for this purpose. Twenty-three per cent is for arming and equipping the National Guard. No other subsidy takes as much as 5 per cent of the total. The table on the following page shows the distribution of Federal aid for the fiscal year ended June 30, 1927.

Federal-aid payments to the States, 1912–1927 [1]

1912	$8,149,478.21
1913	7,752,961.01
1914	10,533,660.78
1915	10,352,211.79
1916	12,645,489.02
1917	15,625,056.55
1918	22,805,680.12
1919	22,104,992.13
1920	35,923,706.48
1921	90,437,848.13
1922	128,366,639.95
1923	111,727,193.28
1924	128,067,312.27
1925	147,351,393.22
1926	141,614,101.05
1927	136,659,786.47

Federal-aid payments to the States for the fiscal year 1927

Support of agricultural colleges	$2,400,000.00
Support of experiment stations	2,400,000.00
Cooperative agricultural extension work	[2] 6,875,727.55
Vocational education	7,184,901.51
Vocational rehabilitation	880,263.00
Highways	81,371,013.03
National Guard	31,363,935.31
Forest-fire prevention	654,101.57
Distribution of nursery stock	71,194.61
Forestry extension work	46,241.64
Maternity and infancy hygiene	899,824.71
State fund under oil leasing act	2,498,689.58
State fund from sale of public lands	[2] 13,893.96
Total	136,659,786.47

Nor does this table tell the entire story. The States received thousands of acres of Federal domain during 1927. They were given a considerable amount of surplus war material to aid their highway departments in road building. They were paid small sums for the elimination of agricultural insect pests, the eradication of plant diseases, and the like, though the exact amount of these grants can not be determined with accuracy. So $136,000,000 is a conservative figure.

STATE RIGHTS AND FEDERAL AID

The Federal-aid movement, as it has evolved since 1911, is an attempt to combine the need for national standards with the desire for local autonomy. The importance of local self-government is widely recognized in the United States; it has been stressed for more than a century by nearly every President from Jefferson to Coolidge. The right of the States to control their own affairs is traditional. It is a right supported not only by a written Constitution but also by an omnipotent public opinion.

Yet time is making increasingly clear the fact that the States can not be left entirely to their own devices. Their interests are so closely interwoven, their dependence on one another is so great, that to-day every State has a very vital interest in what every other State is doing. Some years ago Prof. Gale Lowrie formulated the principle that governmental power should be as broad as the problems with which it must deal. When this criterion is applied to the field of State government, the limited sphere of State activity becomes apparent. Highway construction can not remain solely in State hands, for good roads are a matter of national concern. The equipment and training of State troops can not be intrusted entirely to the States, for those troops may at any time be needed to protect the Nation. The great forests are an important part of the Nation's wealth and their protection from fire can not be left entirely to State forestry departments. It is obvious, however, that we can not transfer complete control over our highways, our forests, our education, and a dozen other functions to Washington. While it is important to emphasize the Nation's interest in Missouri's highways, for example, it is also essential to remember that Missouri has a most vital interest in its own roads. The establishment of national standards is essential, but no less essential is the preservation of State autonomy, so that programs and policies may be varied to meet varying local needs.

The outstanding problem of American administration is to harmonize the conflicting interests of the Nation and of the States, to set up a national minimum of performance and yet to retain control primarily in the 48 Commonwealths. The subsidy program of the Federal Government offers a practical solution of that problem. It insures the recognition of local needs by placing responsibility in State hands. State officials formulate their own plans; State officials spend their own money and Federal money as well; State officials direct the actual work of road building, child hygiene, or whatever it may be, from start to finish.

[1] This chart is taken from Macdonald, Austin F., Federal Aid, p. 7. Crowell, 1928.

[2] 1926.

FEDERAL ENFORCEMENT OF STANDARDS

But all State plans, all State expenditures, all State work, must be approved by the Federal Government before Federal funds are paid to the States. And State programs that make provision for something less than the national minimum are certain to be rejected by the Federal authorities. The "national minimum" is a very intangible but very real thing. It applies to every part of the country, but its exact meaning varies from section to section. Highways financed in part with Federal funds, for example, must be properly designed. Satisfactory materials must be used in their construction. Those rules hold good whether the road is to be built across the Arizona desert or across a strip of New Jersey farm land. But it does not follow that the same materials must be used in both States. Nor is it at all likely that a highway designed for Arizona's needs will meet the requirements of Jersey's traffic. Obviously, the establishment of national standards does not mean the adoption of a policy of deadening uniformity, without regard for local conditions and local practices.

For more than half a century every attempt to impose restrictions upon the use of land or money granted by the Federal Government to the States has met with bitter opposition. Many States have squandered wantonly the proceeds from the sale of Federal lands turned over to them by various acts of Congress, though other States have prudently administered the funds thus obtained. When the famous $20,000,000 surplus of the Federal Government was distributed among the States in 1837 most of them wasted it on wildcat schemes or spent it for temporary needs. (Keith and Bagley, op. cit., pp. 55–61.) Yet there have always been some persons to defend the privilege of the States to squander or to hoard as they might see fit. Doughty champions of State sovereignty have long contested the right of the Federal Government to protect its gifts by imposing conditions that would guarantee their proper use.

The first attempt to safeguard a Federal subsidy was made in 1857, when Justin S. Morrill, a Representative from Vermont, introduced in the House a bill providing that a portion of the public lands be granted to the several States, the proceeds from the sale of these lands to be used for the establishment and maintenance of colleges devoted to agriculture and the mechanic arts. It must be admitted that the effort to protect Federal funds was most feeble. In return for lands worth millions of dollars the States were required only to establish agricultural colleges and to make annual reports through their governors on the progress of the institutions.

The bill contained no suggestion of Federal inspection or supervision. Yet its introduction was the occasion for a veritable storm of protest from the southern Members in both Houses of Congress. Senator Mason, of Virginia, expressed his opinion of the measure in no uncertain terms. "It is using the public lands as a means of controlling the policy of the State legislature," he said. "It is an unconstitutional robbery of the Treasury for the purpose of bribing the States. Suppose the bill was to appropriate eight or ten million dollars from the Treasury, for the purpose of building up agricultural colleges in the States, would honorable Senators who patronize this bill vote for the appropriation; and if they would not, why not? If they have the power to do it, and they believe it is expedient to do it, why would they not just as well take the money from the Treasury to build up agricultural colleges as to take public lands? * * * It requires no prophet, it requires none particularly conversant with the workings of any government, more especially this, to see that in a very short time the whole agricultural interests of the country will be taken out of the hands of the States and subjected to the action of Congress." (Congressional Globe, 35th Cong., 2d sess., p. 718.)

IS FEDERAL AID CONSTITUTIONAL?

Just as Senator Mason advanced the argument of unconstitutionality 70 years ago, so to-day there are some persons in public life who maintain that the present Federal-aid policy is a violation of the rights of the States. Speaking before the Pennsylvania State Chamber of Commerce in the fall of 1925, Gov. Albert C. Ritchie, of Maryland, declared: "It simply can not be argued that the Federal Government has any right to use Federal funds as a means of acquiring a control over local State purposes, which under the Constitution is not granted to the Government but is reserved to the States. That under our present Constitution is simply indefensible."

The Supreme Court of the United States, however, is not in complete accord with the Governor of Maryland. Its opinion concerning the subsidy policy of the Federal Government, delivered in 1923, is difficult to reconcile with Governor Ritchie's views of 1925. "If Congress enacted [subsidy legislation] with the ulterior purpose of tempting [the States] to yield," said the court, "that purpose may be effectively frustrated by the simple expedient of not yielding." Yet Governor Ritchie and others still maintain that from a constitutional standpoint Federal aid "is simply indefensible." The question of constitutionality came before the courts in 1922, when one Harriet A. Frothingham, a resident of Massachusetts, brought suit to prevent the enforcement of the Sheppard-Towner Act. This law provides for Federal aid to the States in reducing maternal and infant mortality and in protecting the health of mothers and infants. When the suit reached the Supreme Court it was joined to a separate action by the State of Massachusetts, also contesting the constitutionality of the Sheppard-Towner Act, and the two cases were decided together.

ARGUMENTS AGAINST ITS CONSTITUTIONALITY

Three main points were raised by the attorneys for Massachusetts. These contentions were:

"1. Federal aid (specifically, the grant for the protection of maternity and infancy) constitutes 'an effective means of inducing the States to yield a portion of their sovereign rights.' The effectiveness of the subsidy system as a means of securing a measure of supervision over State activities is evidenced by the fact that every State accepts some Federal aid, while most of the States accept every subsidy offered. In theory the States are quite free to reject any or all Federal proposals. But in practice no such freedom exists. State legislatures can not afford to ignore any possible source of revenue, for they are faced with the perplexing problem of preventing an increase in tax rates while they meet the demand for higher standards of service—better schools, better roads, better protection.

"2. 'The burden of the appropriations provided by this act and similar legislation falls unequally upon the several States, and rests largely upon the industrial States, such as Massachusetts.' It is clear that Federal revenues are derived chiefly from the wealthier States, from the States best able to bear the burden of Federal taxation. New Jersey's per capita tangible wealth is nearly double the per capita tangible wealth of New Mexico. ('Estimated national wealth,' a part of the Census Bureau's decennial report on wealth, public debt, and taxation, 1922.) The per capita incomes of the two States are in about the same ratio. (Leven, Maurice, Income in the Various States, National Bureau of Economic Research, New York, 1925.) It may reasonably be supposed, therefore, that New Jersey is contributing far more per person than New Mexico to the Federal Treasury, that fountain-head of all Federal aid. But under most of the subsidy laws New Jersey gets back from the Federal Government exactly the same amount per person as every other State, for population is the usual basis of apportionment. In other words, some States are receiving from the Federal Government less than they pay in, while others are receiving more. In Massachusetts, a wealthy industrial State, Federal aid is regarded by many as a losing proposition.

"It is quite obvious that the subsidy system results in a transference of wealth from the richer to the poorer States. The constitutional right of the Federal Government to transfer wealth in this manner was questioned by the State of Massachusetts and passed upon by the Supreme Court of the United States in the cases under consideration. The wisdom of such a policy is still a properly debatable question, and will be discussed in another section of this report. (Cf. pp. 658–660.)

"3. Federal aid imposes upon Massachusetts, as well as upon other States, the 'illegal and unconstitutional option either to yield to the Federal Government a part of its reserved rights or lose the share which it would otherwise be entitled to receive of the moneys appropriated.' Massachusetts officials are sometimes taunted with the fact that although their legislature has seen fit to refuse the Federal child hygiene offer, yet it has accepted every other subsidy proffered by the Federal Government. Their reply is usually that Massachusetts possesses no real choice in the matter. True, it may accept Federal money or may refuse it. But in any event it must contribute to Federal revenues through the Federal taxes laid upon its citizens.

THE UNITED STATES SUPREME COURT DECISION

The Supreme Court dismissed the two cases for want of jurisdiction, pointing out that no justiciable issue was presented. It then proceeded, however, to make a number of highly significant statements which showed clearly the attitude of its members toward the subsidy system. These statements, though in the nature of obiter dicta, are fairly conclusive proof that no subsidy law framed after the fashion of the present statutes will be declared unconstitutional.

Speaking through Mr. Justice Sutherland (262 U. S. 447), the court first considered the contention of Massachusetts that the Sheppard-Towner Act was "an effective means of inducing the States to yield a portion of their sovereign rights." "Probably it would be sufficient," declared the court, "to point out that the powers of the States are not invaded, since the statute imposes no obligation, but simply extends an option which the State is free to accept or reject. But we do not rest here. * * * What burden is imposed upon the States, unequally or otherwise? Certainly there is none unless it be the burden of taxation, and that falls upon their inhabitants, who are within the taxing power of Congress as well as that of the State where they reside. Nor does the statute require the States to do or yield anything. If Congress enacted it with the ulterior purpose of tempting them to yield, that purpose may be effectively frustrated by the simple expedient of not yielding."

The second claim of Massachusetts, that the burden of the appropriations * * * rests largely upon the industrial States, "was obviously a misstatement. No burden was placed upon Massachusetts, since it did not accept the provisions of the act. A tax burden was placed upon its citizens by the act, and this is evidently what the State's attorneys had in mind." But as the Supreme Court pointed out, the citizens of Massachusetts are also citizens of the United States. If the burden of Federal taxation becomes unduly heavy, it is to the Federal Government that they must turn for relief and not to the State. "It can not be conceded that a State * * * may institute judicial proceedings to protect citizens of the United States from the operation of the statutes thereof. In that field it is the United States and not the State which represents them." The third contention was brushed aside as inconsequential.

THE RESULTS OF FEDERAL AID

With the question of constitutionality thus settled, the effects of Federal aid on State activities and State standards of performance may be given serious consideration. Has the subsidy system stimulated State work? Has it raised State standards? Has it occasioned unreasonable Federal interference in State affairs? Has it produced a reasonable degree of standardization and uniformity? Has standardization been carried to an unreasonable degree? These are some of the questions that must be answered by any person or group of persons attempting to evaluate Federal aid. (These questions are considered in greater detail in Macdonald, Austin F., Federal Aid.)

First, however, a clear picture is necessary of the subsidy system in actual operation. One must know just how a device works before attempting to judge its merits and defects. Part II of this report is therefore devoted to a description of the more important Federal aid laws and the manner in which they are administered. Part III contains a critical estimate of the system.

Part II. The subsidy system

FOREST-FIRE PREVENTION

The Weeks law of 1911, to which reference has already been made, limited Federal cooperation in fire-protection work to the forested watersheds of navigable streams. But in 1924 Congress passed a statute, popularly known as the Clarke-McNary Act, which authorized Federal aid for the protection from fire of all private or State forest lands. (43 Stat. L. 653.) As under other subsidy laws, the initiative rests with the State. It is quite free to ignore the Federal offer. But if it desires to secure its share of the Federal appropriation its first step is to frame a plan of fire protection. This plan must show the areas to be protected, the headquarters and approximate routes of patrolmen, and all other relevant facts. The actual or proposed organization of the State forestry bureau must be set forth in detail.

With this information at hand the United States Forest Service, which has been charged with the administration of the law, determines whether the State is prepared to make an honest effort to protect its forest lands from fire, and if satisfied it approves the State plan. The Forest Service has no single standard by which it gages the efficiency of State programs. Every plan must be considered in its relation to local needs, local customs, and even local politics. For Federal cooperation will not be refused merely because a State's forest rangers are sometimes appointed as a reward for political activity, nor even because its standards are somewhat below the standards of the Federal Government. The Forest Service believes that the only way to better conditions in any State is to work patiently with its officials and to point out to them the need for improved standards, instead of refusing to cooperate with a State until it has reached a condition of perfection.

FEDERAL SUPERVISION OF EXPENDITURES

Federal funds and the State funds which match them are expended under the direction of the State foresters. In some States, such as Pennsylvania, the State forester is in complete control. He hires the fire fighters and directs their activity. In other parts of the country the duties of the State forester are more of a supervisory nature, a great deal of the actual work of fire protection and fire fighting being left to the town wardens. This is largely true in New England. The great forest States of the Northwest employ a still different plan, based on the activities of the large timber owners.

But in any event the State is the unit of control. The duty of the Forest Service is merely to approve State plans and to make certain that those plans are carried into effect. Seven Federal district inspectors are charged with the task of examining State protective systems and auditing State accounts, and each is assigned to a territory comprising several States. These men spend much of their time in the field, eating and sleeping with the State forces. Most of them devote from six to eight weeks yearly to each State under their jurisdictions, and in that period of time they are able to secure reasonably accurate mental pictures of the effectiveness of State fire protection work. In some of the more progressive Eastern States the period of Federal inspection is often reduced because of consistently high standards, making more careful scrutiny unnecessary; and in some of the Southern States it is cut short because of the Federal inspector for this territory has been placed in charge of too many States, and finds it impossible to cover his entire jurisdiction satisfactorily. Steps have already been taken with a view to splitting up the southern work still further.

FEDERAL STAFF INADEQUATE

As a matter of fact, every Federal inspector is underpaid and overworked. Salaries do not seem excessively low when compared with the compensation of State foresters; but they represent a mere fraction of the amounts paid expert foresters by the private lumbering companies. Very few of the best men remain long in governmental employ; if, indeed, they ever enter it. The salaries of the seven Federal district inspectors average but $3,800 a year, and $3,800 is a pitifully small sum to pay a man who is qualified to inspect State activities and to point out the weakness of State protective systems. The heavy pressure of work also tends to make the job of Federal inspector unattractive. Seven men are not enough; the present inspectional staff should be doubled. And yet, considering the poor pay and the long hours, the Federal inspectors are men of surprisingly high caliber and unusual faithfulness. It is generally agreed that the Forest Service is getting full return or a little better for the money paid in salaries to

the district inspectors. A number of the men, though experienced foresters, were unfamiliar with the technique of fire protection and fire fighting when first they received their appointments; but with the passing of time this charge can no longer fairly be brought against them.

THE PROBLEMS OF FEDERAL SUPERVISION

Every Federal bureau administering a subsidy law is confronted sooner or later with a number of important questions which must be answered decisively. Shall it set up fairly definite standards to which cooperating States must conform? Or shall it study each State plan separately, making no attempt to establish uniform rules? Shall it exercise its right to cut off Federal allotments from any State not living up to its agreement? Or shall it merely try to persuade the errant State to return to the straight and narrow path of honest performance, continuing to pay out Federal funds in any event? When State politics interfere seriously with State administration, as they have a habit of doing at times, shall the Federal bureau try to correct the situation? If so, how? When incompetents are given posts of authority in State affairs shall the Federal bureau which must cooperate with them demand their removal? Or shall it merely ask that State work be satisfactorily performed, leaving it to the State to remedy the situation?

These are vital questions. The success of Federal aid depends in large measure on the way they are answered. And no two bureaus administering subsidy laws have answered them in exactly the same way. Some of the Federal bureaus set up rather rigid standards and require the States to conform strictly. Others make no attempt to set up standards but measure each plan in terms of local needs, and it is in this group that the Forest Service belongs. As already pointed out, it permits the greatest variation among State plans, allowing States with different conditions to submit totally different programs. When a State fails to live up to the plan which its own officials have drafted the Forest Service has legitimate cause for complaint. Under the law it would be justified in cutting off all further State appropriations.

In practice it does no such thing, however; and neither does any other Federal bureau. There have been a few instances in which Federal aid has been cut off entirely from a State; Arkansas, for example, some years ago lost its entire allotment from the highway subsidy because of the unsatisfactory manner in which it handled Federal funds. But such instances are extremely rare, and it may fairly be said that nothing short of a scandal will bring about the complete withdrawal of Federal aid from a State. Portions of a State's allotment are often held back for a time, however, because Federal and State officials are unable to agree as to the wisdom or legality of certain State expenditures.

THE EFFECTS OF POLITICS

In some States politics play havoc with virtually every phase of the administration, and State forestry departments have not escaped their share. Frequently their pay rolls are padded with the names of men powerful in vote getting but weak in forestry, while more than one State forester is chosen with little regard for his ability to fill the post. The Federal inspectors soon become familiar with the caliber of the State forces. They know quite well that some of the men with whom they must cooperate are woefully ignorant of their jobs. But they continue to cooperate.

The Forest Service is long suffering, for it knows that more than one State, if told to choose between political appointments and Federal aid, would not need two hours to discard Federal aid. And the loss of Federal aid would be a most serious matter. It might undo all the good accomplished in years of cooperation. Despite the handicap of State politics, Federal inspection and Federal guidance have proved a remarkable stimulus to State activity and a wonderful incentive to improved State standards. If the Forest Service can not determine which men will be appointed by the States it can at least make sure that the men who are appointed will have a better concept of their duties because of contact with Federal officials. The accepted tradition in Washington is that no Federal bureau administering a subsidy law will interfere with State personnel. The demand may be made upon a State to better its standards or to use Federal and State matched funds more effectively, but not to appoint or dismiss any given person. The Forest Service comes nearest to violating this tradition, for though it has never directly demanded the resignation of any State official, it has in more than one instance applied pressure that resulted in a State forester's dismissal. This practice is contrary to the generally understood rôle of the Federal Government and has not been adopted by any other Federal bureau. Even the Forest Service would probably make formal denial of any such activity.

THE GROWTH OF FIRE PROTECTION

Under the stimulus of Federal aid State protective programs have expanded at an astonishing rate. Total State expenditures for forest-fire protection amounted to but $350,000 in 1912; by 1927 the total State outlay had passed the $2,000,000 mark. Federal expenditures have also increased rapidly, but have kept well below the State total. In no year have they exceeded 35 per cent of the amount spent by the States. During the decade and a half of cooperation under the Weeks and Clarke-McNary Acts the number of acres of State and privately owned forest land adequately protected from fire more than tripled, and the number of States accepting the Federal offer has mounted from 11 to 33.

The following table will serve to make clear the remarkable progress that has been made. (Table supplied by United States Forest Service.)

Expenditures for forest fire prevention

Fiscal year	Number of States cooperating	Area protected (in acres)	Federal expenditures	State expenditures
1912 [1]	11	61,000,000	$53,287.53	$350,000.00
1913	12	68,000,000	53,247.82	380,000.00
1914	17	83,000,000	[2] 79,708.27	415,000.00
1915	18	95,000,000	69,581.75	505,924.70
1916	20	98,000,000	90,481.23	408,087.08
1917	21	103,000,000	90,580.14	435,328.11
1918	21	104,000,000	98,529.75	565,625.24
1919	22	110,000,000	99,921.38	625,445.54
1920	23	121,000,000	95,107.86	800,919.49
1921	24	149,000,000	119,529.83	1,066,027.47
1922	26	169,000,000	400,000.00	1,757,000.00
1923	26	166,000,000	394,094.64	1,826,685.78
1924	28	170,000,000	393,479.82	1,473,084.93
1925	29	171,000,000	397,646.97	1,844,191.70
1926	32	182,000,000	638,427.59	[3] 1,874,893.19
1927	33	195,000,000	654,101.57	2,009,416.06

[1] Period Mar. 1, 1911 to June 30, 1912.
[2] Expenditure partly made from funds of preceding year.
[3] Includes $263,512.58 expended by private agencies.

THE BASIS OF APPORTIONMENT

The Clarke-McNary law differs from most of the other subsidy statutes in that it does not provide for the allocation of Federal funds on the basis of population. Instead it leaves the matter of apportionment entirely in the hands of the Secretary of Agriculture, who has ruled that Federal aid is to be apportioned among the States according to their fire-protection needs. The cost of protecting adequately the timber supply of each State has been determined by the Forest Service in consultation with State officials, and each State has then been given an allotment based on the quantity and quality of its timber, and on the fire hazard. When the basis of apportionment is not definitely fixed in the law itself, which is customary, but instead is left to the discretion of Federal administrators, greater flexibility is secured. It is possible to make a nice adjustment between a State's need and its allotment and to make special provision for unusual conditions.

On the other hand, there is the obvious danger that Federal funds will be allocated without regard to need, and in such a manner as to strengthen the hand of Federal officials. The Forest Service, however, has apportioned the fire-protection subsidy in an honest and intelligent manner. The State foresters are nearly unanimous in the opinion that no attempt is made to strengthen the Federal position by juggling Federal aid. Some of the States least willing to accept Federal advice are receiving large sums of Federal money because of the magnificent forests within their borders.

ENCOURAGEMENT TO REFORESTATION

Under the provisions of the Clarke-McNary law two other small grants are also made to the States; one for the production and distribution of forest-tree seeds and plants, the other for educational work designed to stimulate interest in tree growing. The administration of these subsidies involves no unusual features.

AGRICULTURAL EXTENSION WORK

In the United States are about 3,000 counties which may be classed as predominantly rural. In two-thirds of these counties are men and women known as county agents, paid in part by the counties in which they work, in part by the States whose people they serve, and in part by the Federal Government. Each is assigned to a single county [1] and each is expected to carry to the farmers of his county the message of better agriculture. He must show how to grow better crops, how to improve the quality of livestock, how to market crops most effectively, how to keep more accurate farm records and accounts. This he must do informally and interestingly, for he has no schoolhouse and no truant officers to aid him. The women agents are called home-economics agents; their task is to show the housewives how to do more effectively the work of the farm home.

The activities of these agents are known as agricultural extension work.

THE WORK OF THE "COUNTY AGENT"

In the early days of extension work the average county agent used to spend all his time traveling from farm to farm, repeating at each farm the demonstration he had already given several times in the neighborhood. In each case his audience would consist of from two to five people—the farmer and his boys. Some county agents still work in exactly this manner. Most of them have learned, however, that while a great deal of individual attention is necessary, the most effective work is carried on in relatively large groups. If the message can be told to a handful of persons, why not tell it to half a hundred? A tremendous amount of energy can thus be conserved for more productive uses. The only trouble is to get half a hundred persons together to listen to the agent's

[1] There are some exceptions. In some States it is customary to join together two or more very poor counties, employing a single agent for the group; while in other States are found a few county agents "at large," who devote their time to counties having no permanent extension work for the purpose of arousing popular enthusiasm.

message. Organization is required to accomplish that. And the most successful agents have been able to interest the leaders in their communities, inducing them to build up organizations that cooperate in spreading the gospel of improved farming methods.

THE "FARM BUREAU" MOVEMENT

Some years ago the United States Department of Agriculture attempted to stimulate the creation of organizations of farmers by sponsoring the "farm bureau" movement. The farm bureau was to be a voluntary association of farmers in each agricultural county, and its purpose was to be purely educational. It was designed to further the county agent movement and not to embark upon commercial ventures.

But as the farm bureau movement increased in popularity the bureaus in many States lost sight of their original purpose. They undertook marketing enterprises and other commercial activities; as they united to form State federations they engaged actively in lobbying for or against legislative proposals. In short, they were ordinary commercial farmers' associations, competing with other farmers' associations for rural favor. It is not surprising, therefore, that a feeling of hostility to the whole county agent movement developed among the rival farm organizations. As the farm bureau has gradually divorced itself from the county agent movement and assumed the character of a commercial association, this hostility to extension work has lessened, and in time it will doubtless disappear altogether. In a few States the bureaus have never lost sight of their original purpose and to-day they still serve as educational groups developing extension work.

Federal, State, county, and private funds are all used in furthering the extension movement, but the proportion from each source varies greatly from State to State. Federal money is allotted to the States on the basis of rural population. In two States—California and Pennsylvania—each county agent's salary is paid entirely from State and Federal funds, and the counties are asked to pay only incidental costs, such as traveling expenses and office rent. In Massachusetts, on the other hand, the State pays nothing and the entire burden of matching the Federal grant rests upon the local communities. Most States require the counties to pay incidental expenses and a part of the salary in addition; but it is customary to make some contribution directly from the State treasury. The money raised in the county may come from public sources or from private contributions. The arrangement varies from State to State.

STATE CONTROL OVER COUNTY AGENTS

There are also great differences in the extent of State control over the county agents. It is customary for each county to choose its own agent from a list of suitable persons whose names are submitted by the State director of extension work, but there is no uniformity concerning the method of dismissal. In most States the county officials may dismiss an agent at will. This act does not force the agent from the extension service; instead he is transferred to another county in the hope that he will give satisfaction at a new post. Should he be unable to satisfy the people in any one of a number of counties, he is eventually dropped from extension work. A few States, such as Montana, place a larger measure of control in the hands of the State director, authorizing him to demand charges and a formal hearing before any agent may be dismissed by county authorities. If local politics seem to be involved, the director may even require a formal vote of the people of the county on the question of dismissing the agent. (For a discussion of the part played by politics in extension work, see Macdonald, Austin F., Federal Aid, p. 67 et seq.)

QUALIFICATIONS OF COUNTY AGENTS

Ninety-five per cent of the county agents are college graduates. Most of those in the remaining 5 per cent group are farmers who have been in the service 15 years or more, survivors of the time when emphasis was placed on "practical" experience rather than scientific training. But successful farming experience is still an essential part of the equipment of every county agent, a fact which State directors know, but sometimes ignore of necessity.

The salaries paid county agents are so small that men of high caliber are seldom attracted; and if successful experience is to be made a prerequisite in addition to college training, the financial inducement must be made considerably greater. In one State the minimum salary is $1,400; other States offer beginners but little more. Throughout the country the average salary paid to county agents is only $2,700, and the agents are worth just about that amount. Some States stand out brilliantly from this mediocrity with high salaries and high-grade men. Illinois, for example, has a salary scale ranging from $2,500 to more than $5,000, the average being about $3,600. As a result it is able to recruit its agents entirely from the ranks of farmers who have had five years or more of successful agricultural experience after graduation from college.

FEDERAL APPROVAL OF EXTENSION PROGRAMS

As under all the more recent subsidy laws each cooperating State is required to submit for Federal approval a detailed program of work. The office of cooperative extension work of the Department of Agriculture passes on State plans and inspects State activities. For inspectional purposes the country has been divided into 4 sections, each containing about 12 States. Fifteen Federal agents, two of them colored men assigned to southern territory, visit the State agricultural colleges, examine State accounts and other State records, and make flying trips into the field. Eleven specialists in various phases of agriculture are attached to the office of cooperative extension work, and from time to time they also visit the States. The Federal agents spend a short while in each State about three times per year, and soon become familiar with the strong and weak points of State administration. They are therefore in a position to insist that faulty State plans be altered and that unsatisfactory State standards be bettered.

But they never do insist, nor do their superiors at Washington. Instead the office of cooperative extension work resorts to persuasion. It suggests improvements instead of demanding them; it never withdraws Federal funds except for obvious failure to comply with the letter of the law. This method may bring results more slowly than direct action, but it brings about a closer understanding with the States than would otherwise be possible.

The first "county agent," serving a single county and paid in part with local funds, was appointed in 1906. The movement spread rapidly, but it was not until 1914 that Congress coordinated the work by passing a statute known as the Smith-Lever Act. (38 Stat. L. 372.) The funds appropriated under this law have been supplemented by large additional Federal grants for agricultural extension work, but though the Federal subsidy has increased rapidly, it has failed to keep pace with State and county appropriations.

The following table shows the growth of extension-work funds by sources since 1915:

Growth of funds for cooperative agricultural extension work, by sources

Year	U. S. Department of Agriculture		Smith-Lever	
	Farmers' cooperative demonstration work	Other bureaus	Federal	State
1915	$905,782.00	$105,168.40	$474,934.73	
1916	900,389.92	165,172.01	1,077,923.73	$597,923.73
1917	958,333.87	185,893.15	1,575,054.38	1,095,054.38
1918	[1] 3,900,406.30	507,282.95	2,068,066.29	1,588,066.29
1919	[1] 5,564,839.70	935,373.64	2,538,828.04	2,058,828.04
1920	1,021,091.39	406,020.96	4,464,344.36	3,984,344.36
1921	1,025,083.33	435,046.70	4,974,048.50	4,494,048.50
1922	1,007,263.48	209,540.93	5,510,349.45	5,030,349.45
1923	1,004,729.29	275,532.24	5,820,816.89	5,340,816.29
1924	991,900.82	234,320.98	5,859,605.01	5,379,605.01
1925	962,390.34	228,856.67	5,879,083.89	5,399,083.89
1926	967,166.73	[2] 29,377.72	5,879,183.10	5,399,183.10

Year	State and college	County	Other	Total
1915	$1,044,270.38	$780,331.79	$286,748.55	$3,597,235.85
1916	872,733.90	973,251.56	276,786.09	4,864,180.94
1917	832,114.16	1,258,296.14	244,873.55	6,149,619.63
1918	881,091.25	1,863,632.29	494,219.38	11,302,764.75
1919	901,828.49	2,291,209.30	370,653.29	14,661,560.50
1920	1,244,465.72	2,865,739.87	672,073.26	14,658,079.92
1921	1,549,897.30	3,293,566.38	1,020,557.61	16,792,248.32
1922	1,497,379.71	2,972,740.71	954,127.91	17,181,751.64
1923	1,712,766.53	3,420,000.81	910,182.35	18,484,845.00
1924	1,696,878.21	3,883,185.02	1,036,529.99	19,082,025.04
1925	1,978,746.89	3,893,814.16	990,395.56	19,332,371.40
1926	2,113,369.94	3,996,614.08	1,036,557.46	19,485,492.81

[1] Includes emergency funds.
[2] Until 1926 funds from other bureaus were included under this heading.

THE RESULTS OF EXTENSION WORK

The purpose of agricultural extension work is to induce the rural men and women of America to adopt better methods of farming and better methods of home management. The only satisfactory test of the effectiveness of this work, therefore, is the number of people who adopt improved farm or home practices because of the direct or indirect effect of the extension service. A number of studies were made recently in different sections of the country by Federal representatives, in cooperation with State officials, to determine whether the county agent had been a vital force in the lives of rural people; whether his work had actually resulted in the abandonment of old methods and the adoption of new. To obtain this information house-to-house canvasses were made in 18 counties of 8 States, situated in every section of the country. Nearly 7,000 farms were visited, and from 75 per cent of them came the report of improved practices, the average number of changed methods being more than three per farm. (Bulletin No. 319, Georgia State College of Agriculture, 1926; Extension Circular No. 221, College of Agriculture, University of Arkansas; Extension Bulletin No. 50, New Jersey State College of Agriculture; Bulletin No. 1384, U. S. Department of Agriculture.)

This is an astonishingly fine record, and reflects great credit on the men directing the extension movement. But it can not be taken at quite its face value. Seventy-five per cent represents the proportion of farms affected in selected counties rather than in the country as a whole. Federal and State bulletins reporting the survey speak of the counties selected as "typical" counties, but it is an open secret that a number of the counties selected were

far above the average. Seventy-five per cent is undoubtedly too high. In some parts of the United States the percentage could be placed even higher—80 or 85—but in other sections a much lower figure would be nearer the truth. Whatever the real average for the Nation, however, there can be no doubt that agricultural extension work has been of very great value to the rural population.

HIGHWAYS

Federal aid for highways was first offered to the States in 1916. The amount appropriated in that year has since been increased many times, and to-day the annual appropriation is $75,000,000—more than all other forms of Federal aid combined. This money is used to stimulate State highway construction and to insure the adoption by the States of proper methods and suitable materials. "Only such durable types of surfaces and kinds of material shall be adopted for the construction and reconstruction of any highway * * * as will adequately meet the existing and probable future traffic needs and conditions thereon." (42 Stat. L. 212.)

THE EXTENT OF FEDERAL RESPONSIBILITY

When a road has been built, the financial obligation of the Federal Government ceases. The State is expected to make needed repairs and to keep it in good condition without the assistance of Federal funds. Yet the Federal Government does not hesitate to insist that highways maintained at State expense must be maintained according to Federal standards. "If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this act is not being properly maintained, he shall give notice of such fact to the highway department of such State; and if within four months from the receipt of said notice said road has not been put in a proper condition of maintenance, then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State, or the civil subdivision thereof, as the fact may be, whose duty it is to maintain said road, until it has been put in a condition of proper maintenance." (42 Stat. L. 212.) This provision has had a most salutary effect upon dilatory State highway departments. It has since been amended so as to permit the Secretary of Agriculture to make suitable arrangements for repairing consistently neglected roads, charging the cost of such repars against the offending State's allotment.

METHODS OF FEDERAL SUPERVISION

The Bureau of Public Roads, which administers the highway subsidy, keeps in close touch with the State highway departments. It has divided the country into 11 districts for inspectional purposes, and in each division is a Federal district engineer, empowered to pass upon all matters except those of the greatest importance, which must be submitted to Washington for approval. There is also a Federal engineer assigned to each State, and directly responsible to the engineer in charge of his district. He has one or more trained engineers to help him—as many as six in some States.

Under other subsidy laws the cooperating State agencies must submit each year programs of work for Federal approval. But annual programs do not suffice to meet the requirements of the Federal road acts. For every section of highway to be built in part with Federal funds a vast amount of detailed information must be sent to the Bureau of Public Roads. The exact route of the project, the nature of the construction, type of paving, grades, estimated cost—all these data are required. Proposed routes are examined by Federal engineers. When bids are considered for highway construction on which Federal money is to be spent, representatives of the Federal Government are usually present. They can not accept or reject a bid; that matter is in the hands of the State officials. But since they may refuse to permit the expenditure of Federal funds, their opinions are certain to receive respectful attention.

STATE MUST TAKE INITIATIVE

Expenditures for every project are originally made by the State. It is then partly reimbursed by the Federal Government at the end of each month, after Federal inspectors have approved the status of the work. Completion of a project does not mark the end of Federal inspection, however. Every foot of the 71,000 miles of highways so far built under Federal aid (as of June 30, 1928) is covered twice a year by Federal inspectors, and in this way maintenance requirements are enforced.

FEDERAL INSPECTION

The method of inspection used by the Bureau of Public Roads is obviously a very different thing from the system employed by the other bureaus administering subsidy laws. Engineers of the Bureau of Public Roads examine every specification and visit every project. It would be impossible for the representatives of the extension service to visit every county and pass judgment upon the work of every county agent. The subsidy for extension work would soon be eaten up by the excessive cost of administration. Agents of the Federal Board for Vocational Education could not hope to enter the doors of every school receiving Federal aid for vocational education. If they did, administrative expenses would soon equal the grant to the States. So they must resort to sampling—visiting "typical" schools, seeing "typical" extension groups, observing "typical" child-health demonstrations. And all too often these schools, extension groups, child-health demonstrations, and the like are just as "typical" as the State director wishes them to be, and no more so.

But the Bureau of Public Roads is in a very different position, and it takes the fullest advantage of its opportunity. For one thing, the very nature of the work makes complete inspection easier. Then, too, the bureau has a vast amount of money at its command. Every year it devotes a million and a half dollars to inspectional purposes. And then it is spending only 2 per cent of the annual grant to the States for highway construction!

SELECTION OF A SYSTEM OF MAIN HIGHWAYS

An act passed by Congress in 1921 made a number of important changes in the original plan of Federal aid. One of the most significant provisos of this statute was that Federal and State-matched funds should be used within each State for the construction of a connected system of main highways limited to 7 per cent of the State's total road mileage. Only after a State's entire system of main thoroughfares was complete might it use Federal money to build other roads. Shortly after the passage of this act each State highway engineer was asked to designate the roads in his State which ought to be included in the Federal system, and the Bureau of Public Roads then coordinated the highways selected—totaling in length more than 187,000 miles—into a complete Federal-aid system. Practically every community in the United States with a population of not less than 5,000 is reached directly by this great network of roads. (Yearbook of the Department of Agriculture, 1924, p. 103.)

FEDERAL STAFF UNDERPAID

The Bureau of Public Roads is seriously handicapped by the low salary schedule fixed for Federal highway engineers. The Federal men are paid considerably less than engineers of equivalent rank in the service of the more progressive States, and as a result some of them transfer their allegiance to State highway departments. The Chief of the Bureau of Public Roads, whose duty is to supervise the highway programs of all the States, receives a smaller salary than many a State chief highway engineer. And yet the Federal Government manages to retain a large number of highly capable men. It is generally agreed that the Federal engineers compare favorably with the highway engineers of the leading States. Their faithfulness should be rewarded with substantial salary increases.

THE BASIS OF APPORTIONMENT

Unlike most of the subsidies, which are distributed among the States according to population—total, urban or rural—the Federal grant for highways is apportioned on a threefold basis. The law provides for distribution of Federal funds "one-third in the ratio which the area of each State bears to the area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States."

THE NATIONAL GUARD

The first Federal subsidy to the States for the support of their militia was made in 1808. (2 Stat. L. 40.) No attempt was made, however, to regulate the expenditure of this grant nor to determine whether State troops were armed, equipped, and trained with any regard to reasonable standards of efficiency. The result may well be imagined. While the forces of a few Commonwealths were properly equipped and well drilled, in the large majority of the States the militia consisted of men hopelessly ignorant of Army fundamentals, commanded by totally incompetent officers of their own choosing, strong in infantry but weak in artillery and auxiliary troops.

THE NATIONAL DEFENSE ACT

Until 1886, however, Congress left militia matters entirely in the hands of the States, contenting itself with appropriating each year small sums for the support of the State forces. But in that year Congress stipulated the minimum number of troops which each State must have in order to qualify for its share of the Federal subsidy. (24 Stat. L. 401.) Other acts gradually increased Federal control, and in 1916 the national defense act laid a solid foundation for Federal supervision of the State military establishments. This statute has been amended more than twenty times, but it still remains the fundamental law regulating the State forces in their relation to the Federal Government. Under its provisions the number of men ultimately to be enlisted in the State service is fixed at 800 for each Member of Congress, and the President is authorized to prescribe the unit or units, as to the branch of service, to be maintained in each State. Officers must meet rigid requirements and must qualify before a board appointed by the Secretary of War. The number and length of drills, the kind of equipment, even the types of courts-martial to be used by the State forces are prescribed in considerable detail.

LANGUAGE OF LAW MANDATORY

Much of the language of the national defense act is mandatory. "The organization of the National Guard shall be the same as that of the Regular Army" (sec. 60). "No State shall maintain troops * * * other than as authorized" (sec. 61). "The discipline * * * of the National Guard shall conform to the system which is now or may hereafter be prescribed for the Regular Army" (sec. 91). It must not be concluded, however, that Congress is forcing its attentions upon unwilling Commonwealths. The actual meaning of "shall" in the above sentence is "shall, if

a State desires to receive Federal aid." But since only one State, Nevada, has been willing to forfeit its share of the Federal grant, the military establishments of the States have been worked out according to the Federal pattern. It is significant that the word "militia" has been dropped entirely. The State troops are now the units of the National Guard, whose members must swear allegiance to the United States, as well as to their respective States, at the time of enlistment.

The National Guard units are inspected each year by officers of the Regular Army, who determine whether they are armed, uniformed, equipped, and trained according to Federal standards. Failure on the part of any State to meet Federal requirements may be punished by cutting off the offending State from further Federal allotments; and although such stringent measures are never resorted to, yet the prospect of losing Federal funds is sufficient to keep the States fairly well in line. It may be said that at least they do not openly ignore the standards set by the Federal Government.

DECENTRALIZED ADMINISTRATION

Unfortunately no single agency is charged with the administration of the Federal subsidy to the National Guard. Instead control is scattered in such a manner as to make harmonious action almost impossible. Matters of general policy are passed upon by the General Staff of the Regular Army. Most of the details of administration are in the hands of the Militia Bureau of the War Department.

The actual work of inspection is carried on by 476 officers and about 600 enlisted men of the Regular Army, who are assigned to duty with the various units of the National Guard. These men are called instructors rather than inspectors, because it is thought best to place as little emphasis as possible on their inspectional duties. They are responsible to the commanders of their respective corps areas instead of to the Militia Bureau, thus diffusing responsibility still further. The Militia Bureau, according to War Department rulings, is "that bureau of the War Department which is charged with the administration of approved * * * policies for the National Guard" (War Department General Orders, No. 6, issued March 10, 1926), but its control over National Guard matters is seriously restricted. All its recommendations must be approved by the General Staff, and are subject to long and irritating delays. Its relations with the Regular Army instructors are indirect, and its problems are made still more difficult by inadequate appropriations. Under the circumstances it is surprising how accurate a picture of conditions in each State the Militia Bureau manages to keep constantly before it.

The "instructors" on duty with the several units of the National Guard have opportunity for very little instructing; most of their time is spent traveling from section to section within their jurisdiction, inspecting equipment and training. Only a few days a year are spent with each section, and occasionally it is found necessary to omit some from the list altogether. Most of the units are rated as satisfactory, less than 4 per cent failing to meet Federal requirements in 1926. Those few States whose units fall below the line are formally warned by the Militia Bureau; but the bureau is forced to depend in large measure on the corps area commanders for information as to whether conditions have been improved.

The only time that officers of the Militia Bureau come into direct contact with the officers and enlisted personnel of the National Guard is during the summer encampments. Then an excellent opportunity is afforded to observe at first hand the results of the year's training. The national defense act provides that every State unit receiving Federal funds must participate in at least 15 days of intensive field training each year, and restricted congressional appropriations make it necessary to limit the period of actual training to the legal minimum.

TRAINING CAMPS

Ninety-six camps are used by the National Guard; some of them are State property, others are owned by the Federal Government. Though many of the camps are open for but 15 days during the year, a number are in constant use throughout the entire summer. An excessive amount of time is devoted to parades and reviews, but intensive work is not forgotten. And during the period of each encampment, while the men are learning something of Army fundamentals, the representatives of the Militia Bureau are busily engaged in observing the condition of the different units—their arms, their equipment, and their training. Eighty-five per cent of the enlisted men and an even higher percentage of the officers of the National Guard come to the summer camps each year.

The provisions of the national defense act relating to the National Guard were given no real opportunity to function until some time after their passage, because all National Guard troops were drafted into the Federal service in August, 1917. After the war came the period of reorganization, handicapped by the natural reaction against all military matters and also by the unfriendly attitude of the labor unions. Enrollment increased steadily until the summer of 1924, however, but since that time it has remained practically stationary. Popular interest in the National Guard has not waned, but niggardly congressional appropriations have forced the Militia Bureau to curtail enlistments. The following table will show the growth of the National Guard since the war:

National Guard strength, 1919–1927 [1]

Year	Officers	Enlisted men	Total
1919	1,198	36,012	37,210
1920	2,073	54,017	56,090
1921	5,843	107,797	113,640
1922	8,744	150,914	159,658
1923	9,675	150,923	160,598
1924	10,996	166,432	177,428
1925	11,595	165,930	177,525
1926	11,435	163,534	174,969
1927	12,192	168,950	181,142

[1] Report of the Chief of the Militia Bureau, 1926, Appendix B.

The national defense act fixed the total strength eventually to be attained by the National Guard at 800 men for each Member of Congress, but the Militia Bureau has been forced by insufficient funds to keep the enlisted strength down to less than half that number. Drills are limited to the minimum prescribed by law, and practically no new units are recognized.

Yet the subsidy to the National Guard amounts to $30,000,000 or more a year—a larger sum than for all other forms of Federal aid combined, with the single exception of highways. The growth of the National Guard subsidy is shown below:

Payments to the States for the National Guard [1]

YEAR AND AMOUNT	
1912	$4,131,190
1913	3,740,713
1914	6,499,952
1915	4,847,744
1916	6,467,522
1917	8,876,195
1918	11,053,562
1919 [2]	3,774,772
1920 [2]	2,943,208
1921	17,691,674
1922	22,373,633
1923	22,357,478
1924	26,591,308
1925	29,754,151
1926	30,179,781
1927	31,363,935

STATES DO NOT CONTRIBUTE FUNDS

The national defense act is the only recent subsidy law which does not require the States to match Federal funds. Under its provisions the Federal Government bears about two-thirds of the total cost of maintaining the National Guard, the States being required only to provide armories and to make adequate arrangements for the protection and care of the property they receive. Congress is willing to assume this large obligation because it recognizes the importance to the National Government of properly equipped, well-organized troops, ready at short notice to supplement the Regular Army.

The National Guard, as its name indicates, is for all practical purposes a national organization. It is already far larger than any body of troops needed by the States to preserve order, and units maintained by some of the States are of no conceivable use to them. Such, for example, are the antiaircraft and field artillery units. The States are performing a national service in maintaining their militia under national regulations, and their proportionate contribution ought to be less than under other forms of Federal aid, in which the local interest is paramount.

VOCATIONAL EDUCATION

Until very recently Americans have had but one concept of education beyond the "three R's"—that obtained through such traditional subjects as mathematics, foreign languages, and pure science. We are rapidly recognizing, however, that classical training is of very little use to the average man—the man who never completed the grammar school or left high school after a single year. Within the last quarter of a century has come a better understanding of educational needs, an understanding that has found expression in new curricula labeled "vocational education." To-day the city boy is given an opportunity to master the trade of his choice and the country youngster is taught the elements of scientific farming. Home making has been raised to the dignity of a science, and its principles are taught to the girls of city and country alike.

DEVELOPMENT OF VOCATIONAL EDUCATION

The rapid development of vocational education during the past decade is in large measure the result of the Federal aid first offered the States in 1917. The Smith-Hughes Act of that year provided for a comprehensive system of training in the common, wage-earning employments. Three separate grants were made to the States: One to pay the "salaries of teachers, supervisors, or directors of agricultural subjects"; another for the "salaries of teachers of trade, home economics, and industrial subjects," and a third to be used "in preparing teachers, supervisors, and direc-

[1] Figures furnished by the Militia Bureau.
[2] Reorganization period following the war.

tors." (39 Stat. L. 929.) No Federal funds might be used for buildings or equipment; the expense of these essentials must be borne by the States. Yet the Federal Government has not hesitated to pass upon the adequacy of buildings and equipment furnished by the States. And since Federal funds for salaries must be matched dollar for dollar by the States or local communities, the Federal Government exercises supervision over the expenditures of sums considerably in excess of the Federal grant.

STATE BOARDS OF VOCATIONAL EDUCATION

The Smith-Hughes Act required each State receiving the Federal subsidy to designate or create a State board of vocational education. Some States have designated their boards of education as cooperating agencies; others have created new administrative bodies. These boards are responsible for the expenditure of joint State and Federal funds. They formulate plans showing in detail the types of schools and equipment, the courses of study, the methods of instruction, and the qualifications of teachers. These projects, originally submitted at the beginning of each year, but now drawn up to cover 5-year periods, must be approved by the Federal Government. In each instance, therefore, the State takes the initiative and sets its own standards, but there is a Federal veto.

FEDERAL SUPERVISING AGENCIES

The Federal agency which passes upon State plans is the Federal Board for Vocational Education, created by the Smith-Hughes Act. This board, composed of four ex officio and three appointive members, meets only occasionally to consider major questions of policy. The actual details of administration are in charge of a salaried director selected under civil-service regulations. Responsible to him are the chiefs of the four services—trade and industrial education, agricultural education, home economics education, and commercial education.

No Federal subsidy is given to the States for commercial education, and so the chief of this service and his single agents devote their time to making special studies and investigations and to aiding the States in developing commercial-education programs. Since the Federal home economics appropriation is limited, this service is compelled to rely on two agents to cover the entire country and to inspect the work being done in the States. The agricultural educational service, however, has five agents: One who devotes his entire time to the colored schools, and four regional agents, each responsible for conditions in a region comprising about 12 States. The trade and industrial education service likewise has five agents: Four assigned to different regions and one without specific territory who is a specialist in the problems presented by women in industry.

FEDERAL INSPECTION

The regional agents of the board representing the agricultural and industrial service visit each State about twice a year. Home-economics agents, having a greater territory to cover, make fewer visits. The length of an agent's stay depends in large measure upon local conditions. If a State seems to be making an honest effort to maintain high standards, three or four days may suffice to audit its accounts and to make a cursory examination of the manner in which its program is being carried out.

If, on the other hand, a State consistently fails to maintain the standards set by its own officers and approved by the Federal board, the Federal agent's visits are likely to be more numerous and of longer duration. He may even go out into the field and visit some of the schools receiving Federal funds, although ordinarily he does so only at the request of the State director or supervisor. Visiting "typical" schools is at best an unsatisfactory method of determining the condition of a State's vocational-school system, because in practice it is necessary to rely on the State director to select the "typical" schools. The schools chosen are likely, therefore, to be just as "typical" as the State director desires them to be, and no more so. Fortunately, the Federal agents have other means of learning what is being done in the States. One of the most effective ways of finding out the caliber of State teachers, for example, is to visit the teachers' conferences. A few short informal talks with the teachers about their problems suffice to give the experienced agent a reasonably accurate picture of the State program in actual operation.

FEDERAL STAFF INADEQUATE

The Federal agents are capable and well trained, but their task is stupendous. They are even expected to carry on a certain amount of research work each year in addition to visiting the States assigned to them. It is no reflection upon their ability, therefore, to point out that the inspectional work of the Federal Board for Vocational Education is less thorough than the inspectional work of some of the other bureaus administering Federal subsidies, notably the Bureau of Public Roads.

The home-economics service especially is handicapped, since it is compelled to struggle along with a totally inadequate allotment. Federal aid for home economics was not contemplated by the men who framed the Smith-Hughes bill; in fact, the home-economics section was inserted as a last-minute amendment and carried with it no additional appropriation. Instead the amendment merely provided "that not more than 20 per cent of the money appropriated under this act for the payment of salaries of teachers of trade, home economics, and industrial subjects for any year shall be expended for the salaries of teachers of home-economics subjects." (Sec. 3.) Therefore the States may, if they choose, omit home economics entirely from their plans. But under no circumstances may they use more than 20 per cent of their trade and industry allotments to further programs of home economics.

FRICTION BETWEEN FEDERAL TEACHERS AND COUNTY AGENTS

In a number of States considerable friction has developed between the teachers of vocational agriculture operating under the Smith-Hughes Act and the county agents functioning under the provisions of the Smith-Lever Act. These two laws set up two groups of teachers—county agents and high-school teachers of vocational agriculture—to work with the farming population of the Nation. The county agent is, after all, a teacher, though his methods are informal and though he makes use of no classroom. His task is to teach the farmers how to produce better crops and how to dispose of them more successfully. He works not only with the adults but with the children, whom he organizes into clubs. Pig clubs, corn clubs, and cotton clubs stimulate a spirit of friendly rivalry while they also serve to impress on juvenile minds the importance of scientific methods in agriculture.

The high-school teacher of agriculture does much the same work and frequently with the same people. He does not limit himself to classroom instruction. Like the county agent, he makes use of practical demonstrations and practical problems for his pupils to solve. He is required to do so. The Smith-Hughes Act stipulates that every State plan approved by the Federal board "shall provide for directed or supervised practice in agriculture, either on a farm provided by the school or other farm, for at least six months per year." When adult farmers attend the evening classes of the high-school teacher, they, too, are given practical problems to work out on their own farms under the teacher's supervision.

Since the same people sometimes receive instruction in agricultural methods from two different agencies of the Federal Government, it is not surprising that misunderstandings and quarrels occur from time to time. The county agent and the high-school teacher do not always teach the same thing. Even if they are able to agree upon a program, they frequently fail to reach any agreement as to how credit for the undertaking is to be divided between them. As a result there are occasional disagreements in nearly every State, and in two or three States the lack of cooperation between teachers and agents is so serious that it interferes to a considerable extent with the work of both. Formal agreements and understandings have been drawn up from time to time but have been of doubtful value. It is said by some that the Smith-Hughes and Smith-Lever Acts are not to blame for this situation, since under their provisions any high-school teacher or any county agent should be able to use his entire working time profitably without interfering in any way with the representative of another agency. Those who take this view contend that there is plenty of opportunity for both county agents and high-school teachers of vocational agriculture to serve the farm people of this country without friction. Others who have studied the problem, however, place the blame squarely on the two acts. They assert that while it is quite possible for teachers and agents to work together harmoniously, yet it is also a comparatively simple matter for them to interfere deliberately with one another, and then quote the letter of the law in justification. Conditions will not be materially improved, it is said, until one or both laws have been amended.

FEDERAL AID ACCEPTED BY ALL STATES

The proffered Federal subsidy for vocational education was accepted by all 48 States within a period of 10 months after the organization of the Federal board. Since that time remarkable progress has been made. Under the stimulus of Federal aid the number of vocational schools receiving Federal funds has increased fourfold, and the number of teachers and enrolled pupils has grown almost as rapidly.

Below is a table showing the growth of vocational education since the passage of the Smith-Hughes Act:

Growth of Federally aided vocational education [1]

Year	Number of schools [2]	Number of pupils	Number of teachers
1918	1,741	164,186	5,275
1919	2,039	194,895	6,252
1920	3,150	265,058	7,669
1921	3,877	324,247	10,036
1922	4,964	475,828	12,343
1923	5,700	536,528	14,458
1924	6,817	652,594	16,192
1925	7,430	659,370	17,524
1926	8,051	753,418	18,717
1927	8,696	784,986	18,900

[1] Figures supplied by the Federal Board for Vocational Education.

[2] In reports of the Federal Board for Vocational Education the term "reimbursement units" is used instead of "schools," because of the difficulty of framing an accurate and unvarying definition of "school."

Though the Federal subsidy for vocational education has mounted rapidly, increasing from less than $1,000,000 in 1918 to more than $7,000,000 in 1927, State outlays have grown at an equally rapid pace. Every year the States have expended for vocational education $2 or more of their own money for every dollar they received from the Federal Treasury. The following table shows how Federal payments have increased since 1918:

Federal payments to the States for vocational education[1]

Year	Amount
1918	$823,386.29
1919	1,560,008.61
1920	2,476,502.83
1921	3,357,494.23
1922	3,850,118.79
1923	4,308,885.68
1924	4,832,920.16
1925	5,614,550.14
1926	6,548,567.92
1927	7,184,901.51

VOCATIONAL REHABILITATION

The duties of the Federal Board for Vocational Education were materially increased in 1920, when it was intrusted with the administration of the newly enacted vocational rehabilitation law. This statute, commonly called the Fess-Kenyon Act, provided for an annual subsidy to the State of $1,000,000 "for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, and their return to civil employment." (41 Stat. L. 735.) For a number of years prior to the passage of the Federal law the need for training injured workers had been generally recognized, but only 12 States had made any attempt to devise suitable plans.

WORKMEN'S COMPENSATION LAWS INADEQUATE

In many other States workmen's compensation laws had been relied upon to aid those injured in the course of their employment. It is now generally recognized, however, that workmen's compensation laws are not sufficient. A person who has lost his earning power needs something more than the payment of a small cash sum. He needs to have his earning power restored. In some cases, of course, the injury is so serious that restoration of earning power is out of the question. But such is not usually the case. The skilled mechanic who has lost a leg may be unable to practice his trade again, and yet be quite capable, with suitable training, of earning a comfortable living at another trade—at shoemaking, perhaps. It has been conservatively estimated that each year 84,000 persons are vocationally disabled in the United States who are unable to pay for rehabilitation, but who could probably be made independent wage earners. (Sullivan, O. M., and Snortun, K. O., Disabled Persons, Their Education and Rehabilitation, p. 33.)

Moreover, the list of persons in need of vocational retraining is not limited to the victims of industrial accidents. There are thousands of persons disabled by disease or by accidents unconnected with industry who could become self-supporting if properly trained. Recognizing this fact, the Fess-Kenyon Act makes Federal funds available for "any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is, or may be expected to be, totally or partially incapacitated for remunerative occupation."

METHODS OF FEDERAL SUPERVISION

Procedure is much the same as under the Smith-Hughes Act. Each State accepting the Federal offer is required to designate its vocational education board as the agency to administer the rehabilitation work. State plans are drawn up setting forth in detail plans of procedure, and these plans must be approved by the Federal Board for Vocational Education. The actual details of administration are left in the hands of the States, of course, and Federal agents audit State accounts and inspect State work in order to make certain that Federal funds are being used satisfactorily. Every dollar of Federal money must be matched by a dollar from State or local sources.

Vocational rehabilitation is handled by a separate division of the Federal Board for Vocational Education. A chief and five agents comprise its staff. Each agent is a specialist in some phase of rehabilitation, and is expected to work with any State needing his specialized knowledge. A great deal of time must be devoted to inspection, however, and for inspectional purposes each agent has been assigned a definite group of States, varying in number from 8 to 12. The organization of the division is therefore partly regional and partly functional. Inspection is quite thorough. The agents of the rehabilitation division visit each State only once a year, but that single visit is sufficient to keep them well informed concerning the progress of State work. The number of cases handled is comparatively small, and the Federal representatives find time to visit many of the disabled persons receiving training. State programs do not always prove satisfactory in actual operation, but the policy of the Federal Board is to raise standards by persuasion rather than by threats. It suggests better methods, points out how weaknesses may be overcome, but seldom announces that it intends to withdraw Federal aid.

DEVELOPMENT OF REHABILITATION TECHNIQUE

When the Fess-Kenyon Act became law only a few pioneers were working in the field of vocational rehabilitation. There was no such thing as standardized procedure. A few States had enacted vocational reeducation laws, and the Federal Government had obtained some experience through its work with disabled war veterans. But the whole movement was in the experimental stage. Recognizing this fact, the Federal board made no attempt to set up definite standards for State rehabilitation workers corresponding to its standards for vocational teachers under the Smith-Hughes Act. Instead, it approved every State plan that seemed to give reasonable promise of producing satisfactory results. The years since 1920, however, have witnessed a remarkable development in the technique of rehabilitation. The Federal board is now in a better position to pass intelligently upon the merits of State programs, and many projects which would formerly have met with Federal approval are now rejected because they have been tried by other States and found unworkable.

But procedure can never be standardized to the point where a single formula will cover all cases. Rehabilitation is a highly individualized process, totally different in this respect from vocational education. Any two normal boys who wish to become carpenters may be given substantially the same training. But two sightless men who wish to become piano tuners may require very different treatment. One may be a musician; the other may lack even the slightest knowledge of music. One may be intelligent and readily responsive to training; the other may be stupid and quite unresponsive. One may be able to finance himself during a rather extensive training period; the other may have several dependents and need training that will give him earning power in the shortest possible time. Nor does it follow that a man will make a good piano tuner because he has lost his sight. In some States the tendency is to have but one job for each type of disability, with little regard to aptitude, previous education, individual preference, or a host of other relevant factors. The Federal agents encourage State administrators to offer each applicant for rehabilitation the widest possible choice of occupations.

DIFFICULTIES OF JUST APPORTIONMENT OF FUNDS

One of the most important and yet most difficult tasks of the State board administering the Fess-Kenyon Act is to find the disabled persons who need its services. Very few incapacitated men and women know anything about rehabilitation; they must be singled out and told of their opportunity to receive training that will make them self-supporting.

Names of prospects are secured in a number of different ways. Those States which have workmen's compensation laws must of necessity keep a complete record of all persons disabled through industrial accidents. In many Commonwealths the welfare societies, labor organizations, civic and business clubs report all cases coming to their attention. Some of the State rehabilitation boards make a serious effort to secure wide publicity for their work. They distribute pamphlets and posters and frequently send stories of actual cases to the newspapers. Motion-picture films are also used in at least two States. Public-health clinics furnish their share of cases. Unfortunately, however, most of the States do not make the fullest use of these various methods of securing names, and as a result thousands of cases never come to their attention.

Vocational rehabilitation is sometimes defined as the process of fitting a disabled person to engage in remunerative employment, but actually the task is far from finished when the course of training has just been completed. There still remains the important and difficult task of placement. A job must be found for the rehabilitated worker and he must be given a chance to test his newly developed skill. Not until he has successfully demonstrated his ability to hold his own in competition with normal men and women over a period of several months can rehabilitation be called complete. And not until then is the case marked as closed upon the State's records.

A few years ago the placement of rehabilitated workers was extremely difficult. Most of the employers who agreed to hire them let it be clearly understood that they did so in a spirit of charity and not as a strict business proposition. More recently, however, the attitude of employers has undergone a marked change. Thousands of rehabilitated men and women have proved their ability to do thorough work consistently despite their physical handicaps, and in the light of their success it is not easy to regard the employment of reeducated persons as charity.

THE DEVELOPMENT OF REHABILITATION WORK

The development of State rehabilitation work under the stimulus of Federal funds has been little short of phenomenal. Although 12 States had enacted some sort of legislation concerning vocational reeducation prior to 1920, only half that number had made any serious attempt to put their laws in force. Within a year after the passage of the Fess-Kenyon Act the number of States carrying on rehabilitation programs worthy of the name had risen to 35. Forty States are now cooperating with the Federal Government. Federal payments to the States were nine times as large in 1927 as in 1921, but every year State outlays kept well ahead of the Feneral grant. The following table shows the growth of the Federal subsidy for rehabilitation:

Federal expenditures for vocational rehabilitation[1]

YEAR AND AMOUNT	
1921	$93,335.72
1922	318,608.12
1923	525,387.24
1924	551,095.56
1925	519,553.31
1926	578,847.33
1927	880,263.00

[1] Figures supplied by the Federal Board for Vocational Education.

[1] Figures supplied by the Federal Board for Vocational Education.

HYGIENE OF MATERNITY AND INFANCY

In the matter of maternal death rates the United States makes an extremely poor showing. Recently compiled figures of maternal mortality show that among 21 leading nations the United States stands at the bottom of the list. With regard to infant deaths, our record is much better, but still not entirely satisfactory. (Figures supplied by Children's Bureau, U. S. Department of Labor.) Small wonder, therefore, that in recent years the need for teaching mothers how to take better care of themselves and their babies during the crucial months before and after birth has received widespread recognition. In 1921 Congress enacted into law a bill providing for an annual subsidy to the States of $1,240,000 "for the promotion of the welfare and hygiene of maternity and infancy." (42 Stat. L. 224.) Three-fourths of the States had already placed upon their statute books laws providing for some form of child hygiene work, but only a few had gone beyond the experimental stage. Most of the State child hygiene bureaus were seriously handicapped by inadequate appropriations. The Federal offer stimulated State interest and aided materially in putting the State work upon a sound footing.

THE SHEPPARD-TOWNER ACT

The new Federal aid law, commonly known as the Sheppard-Towner Act, followed closely the lines of its predecessors. It required each State legislature to make formal acceptance of the Federal offer, to match Federal funds, and to designate or create a State board empowered to cooperate with the Federal Board of Maternity and Infant Hygiene. This board, set up under the provisions of the act, is composed entirely of ex officio members—the Chief of the Children's Bureau of the Department of Labor, the Surgeon General of the Public Health Service of the Treasury Department, and the Commissioner of Education of the Department of the Interior. It meets but three or four times a year.

All the details of administration are in the hands of the Children's Bureau, which has a division of maternity and infancy directed by a physician. Three physicians, two nurses, and an auditor comprise the staff of this division. Their headquarters are at Washington, and from there they visit the several States, inspecting State activities, and suggesting improvements in State programs. The intention of the Children's Bureau is to send one of its inspectors to every State at least once a year, but this is not always possible. Narrowly restricted congressional appropriations have prevented the bureau from securing an adequate number of inspectors, and as a result only four or five days a year are spent in any one State unless exceptional conditions make a longer visit imperative. Frequent changes in State personnel sometimes result in the employment of inexperienced workers, and the burden of training the newcomers frequently falls upon the agents of the Children's Bureau. Under such circumstances a month or even longer may be spent in a single State, with the result that visits to other States must be curtailed.

METHODS OF FEDERAL SUPERVISION

Other Federal bureaus administering subsidy laws depend upon their regular field agents to audit State accounts in addition to inspecting State activities. In most cases the agents are not trained auditors, and their examination of State fiscal records is at best perfunctory. The Children's Bureau employs a different plan which might well be adopted more generally. Its agents confine themselves to the task of inspecting State work and making helpful suggestions, leaving the fiscal examination to a trained auditor who visits every State in the course of a year.

This plan has two marked advantages. Not only does it insure a more thorough audit, but it also provides a double check on State activities; for the auditor, though supposed to devote her time entirely to fiscal affairs, is directed to report any matter coming to her attention which seems contrary to Federal policy. Aside from the careful audit, Federal inspection is not very thorough. This is no reflection upon the agents of the Children's Bureau, who are well-trained, dependable workers. The blame must be laid at the door of Congress, whose parsimonious policy has seriously handicapped child-hygiene work.

STATES ALLOWED WIDE DISCRETION

The Children's Bureau permits the States a great deal of latitude in framing their plans. No attempt is made to bring about even a semblance of uniformity. Practically every State program submitted for Federal approval is accepted in toto unless it contemplates some violation of the law; unless, for example, it provides that Federal funds are to be used for the purchase of land or the payment of pensions to mothers, two uses to which the Federal subsidy may not be put. The degree of diversity among State plans is not so great as might well be expected, however. Most of the State child hygiene directors are eager to profit by the experience of other States, and to adopt methods which have proved successful elsewhere. Each year the State directors meet in conference initiated by the Children's Bureau, and at these sessions they receive a better understanding of their common problems. (A more complete picture of State work under the Sheppard-Towner Act is given in Macdonald, Austin F., Federal Aid, pp. 215–221. See also the reports made to the League of Women Voters by the American Child Health Association and the Maternity Center Association. These reports are reprinted in abridged form in the CONGRESSIONAL RECORD, 70th Cong., 1st sess., May 29, 1928.)

"CHILD HEALTH CONFERENCES"

One of the most widely used devices for stimulating local interest in child health work is the "child health conference." Each conference is a demonstration in some community by State physicians and nurses, who travel from section to section of the State, giving free advice, answering questions, and pointing out by means of talks and motion pictures the importance of safeguarding child health. In many of the States child hygiene nurses are assigned temporarily to the local communities to stimulate interest. Other States follow a somewhat different plan, making use of nurses who direct entire public-health programs, devoting only a portion of their time to maternity and infancy work. When the demonstration period is at an end many communities are so impressed with the value of the service that they decide to finance it permanently with local funds.

OPPOSITION OF PRIVATE PRACTITIONERS

During the early stages of the child-hygiene movement a great deal of opposition was encountered from private practitioners, who feared that the public doctors and nurses might become serious competitors. Several years have passed since the inception of public programs, but even yet the fear has not been entirely dispelled. The American Medical Association is still conducting an active anti-Federal child-hygiene campaign. The average physician has long since discovered, however, that public child health work is designed to increase his practice rather than to interfere with it. Doctors and nurses paid in part with Sheppard-Towner funds are scrupulously careful not to prescribe remedies. They do not cure physical defects. Instead they teach the importance of proper hygiene, and when medical treatment becomes necessary they recommend a visit to the family physician.

SUPERVISION OF MIDWIVES

One of the most important phases of maternity work is the regulation and supervision of midwives. A surprisingly large number of children are ushered into the world by midwives; in some States at least half of the births are unattended by physicians. The seriousness of this situation is obvious when it is understood that most of the midwives are ignorant, untrained women, highly superstitious, and without the faintest conception of the elementary rules of hygiene. They do not even appreciate the value of cleanliness.

There are, of course, some very competent women among the professional midwives. In Pennsylvania, New York, and some other States many of them are graduates of midwifery schools. But in parts of the South conditions are abominable. The midwives are chiefly negroes, who frequently rely upon the semi-savage rites of slavery days. How to fit them to practice their calling is a problem of considerable magnitude. Classes have been formed in many States and the rudiments of maternal hygiene have been taught to hundreds of women. Laws prohibiting them from practicing can not be satisfactorily enforced. In fact, such laws are undesirable, for in many sparsely settled communities there are no physicians, while in other sections are thousands of families too poor to pay for medical attention. The solution of the problem is not the elimination of the midwife, but stricter regulation and more adequate training.

WISELY ADMINISTERED BUT BITTERLY OPPOSED

The Sheppard-Towner Act was passed by an overwhelming vote in both Houses of Congress. No other Federal-aid statute received so large a majority or escaped with so little criticism. (CONGRESSIONAL RECORD, v. 61, pt. 4, p. 4216 (Senate vote), and v. 61, pt. 8, p. 8037 (House vote). The national defense act of 1916 received almost unanimous support from both parties, but it was primarily a measure designed to strengthen the Army at a time when war seemed inevitable. Its subsidy feature was of minor importance.) No other subsidy law has been administered with so great regard for the opinions and wishes of State officials or with so sincere a determination to avoid offending local pride. If any error has been made in the administration of the Sheppard-Towner Act it has been the sacrificing of Federal standards in order to retain the good will of the States.

And yet, curiously enough, the opponents of Federal aid have singled out this law as the special target for their attacks. Maliciously or through ignorance they have repeatedly misrepresented it. They have pictured the officials of the Children's Bureau as a conscienceless group of spies, forcing their way into private homes and compelling parents to raise their children according to prescribed Federal formulas. "The child belongs to the parents!" has frequently been a slogan in the fight against the child-hygiene movement. A true statement, surely, but quite irrelevant. Even well-informed persons do not know what is being done by the States, with the aid of Federal funds. In the November, 1923, issue of the Illinois Law Review an editorial declared that the Sheppard-Towner Act "provides for the pensioning of and rendering monetary aid to indigent mothers." (Vol. 18, p. 204.) This statement should be compared with the exact words of the law, which are to the effect that Federal and State-matched funds may not be used "for the payment of any maternity or infancy pension, stipend, or gratuity." (Sec. 12.) When the foes of the subsidy system decided to attack its constitutionality, they selected the Sheppard-Towner Act as most likely to meet the disfavor of the Supreme Court. The opposition to continuance of Federal aid for child hygiene had become so pronounced by 1927 that in the spring of that year its friends in Congress were obliged to accept a 2-year extension, until June 30, 1929, with the proviso

that after that date the subsidy would be discontinued. Whether a future Congress will reverse this policy and extend the Federal grant beyond the 1929 limit is problematic.

Part III. Conclusions

Federal aid is one of the most controversial subjects before the American people at the present time. Although the system has been warmly defended by staunch adherents, it has been attacked with equal vigor by determined opponents, it has been pictured by some as an instrument for accomplishing great ends, and by others as a practice leading to "the gradual breaking down of local self-government in America." (Lowden, Frank O., in his Convocation Address, University of Chicago, June, 1921.) Charges have been made and denied of unreasonable Federal interference in State affairs, of attempts to secure excessive standardization, of political manipulations destructive of sound administration.

This partisan discussion has tended to obscure rather than to make clear the real facts concerning Federal aid. A definite, impartial investigation of the effects of the subsidy system ought, therefore, to possess some value. Such an investigation this committee has attempted to make. Its conclusions are based chiefly upon first-hand material.

SUMMARY OF CONCLUSIONS

The committee desires first to record its belief that Federal aid to the States is a sound principle of administration, and ought to be continued. This statement, however, does not imply an unqualified indorsement of every feature of the subsidy system. On the contrary, it seems that certain phases of the system, referred to on other pages of this report (cf. infra, pp. 639–641), might profitably be altered. The reasons that have led the committee to accept the principle of Federal aid are set forth below:

1. Federal aid has stimulated State activity: Of this fact there can be no doubt. Figures showing the growth of vocational education, agricultural extension work, and other functions subsidized with Federal money have already been presented in this report. In every instance the granting of Federal funds has marked the beginning of a new era of State activity. The number of States engaged in civilian rehabilitation tripled within a year after the passage of the Fess-Kenyon Act. Agricultural extension work was unknown until it was introduced as an experiment by the United States Department of Agriculture. The opinions of the State directors administering the various subsidy laws furnish further evidence. At the present time there are 306 State officials whose duty it is to cooperate with the Federal Government under the provisions of the 7 Federal-aid statutes described above. Two hundred and sixty-four of these men and women—State directors of extension work, State foresters, State highway engineers, State adjutants general, and the like—were asked recently if Federal funds had stimulated their State programs. (Nearly half of these 264 State officials were interviewed. The remainder filled out questionnaires.) Two hundred and forty replied emphatically in the affirmative. "Without Federal aid it would have taken 50 years to bring our State work to the point where it is to-day," said one. "The Federal subsidy has not only increased the amount of available funds, it has awakened widespread State interest," was the comment of another.

These replies are typical. They have been selected practically at random. Of the remaining State directors, one was uncertain what reply to make, so that only 23 out of 264—not quite 9 per cent—questioned the stimulating effect of Federal aid upon the activities of their States. Numbered among the 91 per cent who answered affirmatively were officials of several of the wealthiest and most progressive States of the Union.

2. Federal aid has raised State standards: The 264 State directors were also asked: "Has Federal supervision in any way affected your State standards?" The affirmative replies outnumbered the negative by more than two to one. One hundred and eighty-one said, "Yes; raised them materially," or words to that effect; eighty-one said "no"; two were doubtful. This trend of opinion is highly significant, for State officials, like other men and women, are reasonably certain to claim for themselves all credit to which they are entitled. Had they been solely responsible for improved conditions, few of them would have hesitated to say so.

The fact that 70 per cent of the State directors whose opinions were asked willingly conceded the value of Federal supervision indicates that the supervision has accomplished results in at least 70 per cent of the States. There is no doubt that some of the subsidies in some of the States have done very little to better the high standards already set. In the matter of highways, for example, some of the more progressive States insist upon specifications considerably above the minimum acceptable to the Federal Government. Regardless of Federal requirements they would not be satisfied with poorly qualified teachers, inadequately trained nurses, or fire-protective systems that failed to protect. But for the large majority of the States (more than 70 per cent, in all probability) Federal inspection and advice have proved essential.

It is not necessary to place entire dependence upon the opinions of State directors in determining the effect of Federal aid on State standards. The record of State progress following the acceptance of Federal aid speaks for itself. In more than one State the college-trained high-school teacher of vocational agriculture, for example, paid in part from Smith-Hughes funds, is frequently subordinate to a high-school principal who never entered the doors of a college. In more than one State graft and corruption are commonplaces in county-road construction, while they play but little part in the building of Federal-aid highways. In more than one State commercial education, unsubsidized by the Federal Government, is sadly neglected, while industrial and agricultural training, under the stimulus of Federal leadership, are constantly developing higher standards. A comparison of State standards in any field just prior to acceptance of Federal aid and three years after acceptance is sufficient to show the effect of the subsidy system upon State administration.

3. Federal aid has been consistently administered without unreasonable Federal interference in State affairs.—One of the charges most frequently made against Federal aid is that it results in Federal domination of State activities, that it serves as an excuse for Federal bureau chiefs to force their plans and their policies upon unwilling State officials. There seemed to be no better way to determine the truth of such a statement than to ask the men and women who were allegedly the victims of Federal interference.

Accordingly the 264 State directors, whose opinions on other matters have already been quoted, were asked if the Federal Government had been guilty of unwarranted intrusion in State affairs. Two hundred and forty-five of them—92 per cent—denied emphatically any Federal domination. Three of the remaining nineteen replied, "Occasionally, but not as a general rule." Ninety-two per cent is a very high percentage. It approaches unanimity. Federal officials must have administered the subsidy laws with great tact and skill to have given so little offense. "We disagree on many matters," said one State official. "But the Federal Government is willing to try to see our viewpoint, and its representatives are always patient and sympathetic. Anyone who speaks of Federal domination simply doesn't know the facts." Substantially the same words were used by the other 245.

It is interesting to note that the office of cooperative extension work, administering the Smith-Lever Act, succeeded in escaping entirely the displeasure of the State extension directors. Of the 46 State directors consulted, not a single one regarded Federal supervision in the light of domination. The Federal Board for Vocational Education, in charge of the work under the Smith-Hughes and Fess-Kenyon (Rehabilitation) Acts, and the Children's Bureau, administering the Sheppard-Towner Act, were also given clean bills by State cooperating officials. Four State foresters, however, accused the Federal Government of undue interference, as compared with 26 foresters who approved of the manner of Federal supervision. Five State highway engineers thought there was some truth in the charge of Federal domination, though 36 characterized Federal inspection as most reasonable. Ten State adjutants general complained of Federal interference; 27 others scoffed at the notion.

The following table presents the opinions of State directors in convenient form:

Has Federal aid encouraged Federal interference in State affairs[1]

Class of officials	Number of cooperating States	Number of State directors replying	Number of State directors answering "Yes"	Number of State directors answering "No"	Number of State directors doubtful
State foresters	32	30	4	26	
Extension directors	48	46	0	46	
Highway engineers	48	41	2	36	3
Adjutants general	47	37	10	27	
Directors of vocational education	48	35	0	35	
Directors of vocational reeducation	40	35	0	35	
Child hygiene directors	43	40	0	40	
	306	264	16	245	3

[1] Table prepared from information contained in Macdonald, Austin F., Federal Aid. This volume contains a complete analysis of the replies of State officials.

The Federal bureau receiving the fewest complaints is not necessarily entitled to the highest commendation. Every bureau administering a subsidy law has two important tasks. One is to gain and hold the confidence of the States, taking care not to offend local pride. The other is to maintain minimum Federal standards in every cooperating State.

To some extent these duties are conflicting. The bureau that places undue emphasis upon standards and shows itself unwilling to wait with some degree of patience for signs of improvement is likely to encounter the wrath of State officials. On the other hand, the bureau that seeks to gain the confidence of the States at any cost may find it necessary to overlook conditions that should be corrected. Somewhere between these two extremes is the much-talked-of happy medium which makes State directors happy without depressing the advocates of higher standards. The Federal Board for Vocational Education and the office of cooperative extension work have erred, if at all, on the side of undue leniency. The Children's Bureau has seemingly placed too great emphasis on the importance of State freedom from Federal supervision, though its attitude has doubtless been made necessary, at least in part, by the bitter opposition to the Sheppard-Towner Act. The Bureau of Highways, with a splendid record of careful inspection, has made but few enemies. The Forest Service has likewise escaped excessive criticism, though its supervision of State activities has been very thorough.

Least successful has been the Militia Bureau. More than half of the total number of complaints are registered against the administration of the national defense act, while Federal inspection of National Guard units has left much to be desired. It is only fair to the Militia Bureau to point out, however, that most of the slipshod inspection has been directly traceable to its lack of control over the so-called Federal "instructors," while most of the criticisms of State adjutants general have been directed, not against the Militia Bureau but against the General Staff. It is believed that State objections would largely cease and that Federal inspection would be greatly improved if the General Staff were divested of most of its control over National Guard matters, with a corresponding increase in the authority of the Militia Bureau.

The widespread belief that the Federal Government interferes with State affairs is due in part to the fact that many State directors protect themselves from the effects of local politics by shifting responsibility to the Federal Government. Many a State extension director, adjutant general, or highway engineer finds that pressure is constantly brought to bear on him to relax standards, to appoint some incompetent whose chief asset is a host of influential friends, or to approve the selection of an improper highway route as a matter of "courtesy" to some politician. But for Federal aid, the State director would be forced to stand on his own feet or else bow to political pressure.

The subsidy system, however, makes it easy for him to shift responsibility. "I'm sorry, boys," is likely to be his reply, "but if I did what you ask the Federal Government would never approve our plans." To his friends he freely confesses the value of Federal aid as a shield against the onslaughts of the spoilsmen. Federal bureau chiefs can withstand the pressure brought by State politicians much better than can State directors. Washington is a long distance from Jefferson City, Madison, or Montgomery. But every instance of this sort gives rise to the belief that the Federal Government is interfering in matters of purely State concern, and that it is imposing its will upon reluctant State directors. Some of the Federal bureau chiefs do not object to appearing in a false light, since the maintenance of high standards is thereby made easier. Others are inclined to resent the unwillingness of many State directors to accept responsibility.

4. Federal aid has accomplished results without standardizing State activities: Any administrative device that attempts to treat the United States as a homogeneous unit, without varying local needs and varying local problems, is foredoomed to failure. This country is so vast that methods well adapted to one section may prove totally unsuitable for another. Recognition of this fact has been in large measure responsible for the successful development of the subsidy system. The Federal-aid statutes make no attempt to set up uniform procedure. The Federal highways act of 1921, for example, provides that "only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway * * * as will adequately meet the existing and probable future traffic needs and conditions thereon." (42 Stat. L. 212, sec. 8.) But no attempt is made to define "durable"; the exact meaning of that word will of necessity vary widely from State to State. A durable road in Montana would prove short-lived indeed under the pounding of New York's traffic. The Clarke-McNary law of 1924 authorizes Federal cooperation with any State whose "system and practice of forest-fire prevention and suppression * * * substantially promotes" the protection of timbered land. (43 Stat. L. 653, sec. 2.) But there is nothing to indicate the kind of system that "substantially promotes" fire protection.

So it is with all the Federal-aid laws. In every case the chief of the Federal bureau administering the statute is intrusted with the duty of determining whether State plans are adequate, whether they provide for durable roads or properly trained teachers, and whether they substantially promote the interest of the States and of the Nation. And it has already been pointed out that the Federal bureau chiefs issue no ex-cathedra pronouncements for the benefit of the State directors with whom they cooperate. Instead, the fullest recognition of local needs is insured by permitting State officials to formulate their own plans, and minimum Federal standards are maintained by means of the Federal veto—a veto but seldom used except with regard to minor details.

5. Federal administration of the subsidy laws has been uninfluenced by partisan politics: The chief of every bureau administering Federal aid has been chosen without regard to partisan considerations. Everyone had years of experience in the Federal service or in the service of some State before becoming chief of a bureau. The Director of the Federal Board for Vocational Education was for years one of the agents of the board. The Chief of the Forest Service has been connected with the service for 23 years. The Chief of the Bureau of Public Roads resigned as highway engineer of the State of Iowa to accept the offer of the Federal Government. The staffs of all the bureaus are similarly free from political influence. They are chosen under civil-service regulations, and while those regulations have not always operated to secure the best trained, most desirable men and women, they have certainly succeeded in eliminating incompetents selected at the behest of professional politicians.

6. Federal aid has mitigated some of the most disastrous effects of State politics: No one would seriously contend that partisan politics have been eliminated from State administration of the subsidy laws. While some States have earned an enviable reputation for honest, efficient administration, others have become notorious as the happy hunting grounds of the spoilsmen. In a number of States the rehabilitation service has been seriously crippled as a result of political appointments. Child-health work has also suffered, though to a lesser extent. A few years ago conditions became so bad in one mid-Western State that the Bureau of Public Roads was obliged to withdraw all Federal aid for a time—a drastic step taken only four or five times by all the Federal bureaus combined since the inception of the modern subsidy system in 1911. Very recently an able State forester, appointed because of the insistent demand of the lumber interests, had scarcely assumed the duties of his office when he received from the governor a list of the persons who were to comprise the personnel of the forestry department. These instances, which might be multiplied ad nauseam, are sufficient to indicate that all the State cooperating agencies have not escaped the baneful effects of politics.

The representatives of the Federal Government are well aware of the extent to which partisan considerations determine the policies of certain States, and a great deal of their time is devoted to the task of improving conditions. They do not threaten to cut off all Federal funds if State administration is not instantly withdrawn from the field of politics. Such a threat would be tantamount to an announcement of Federal withdrawal from all further cooperative relationships, for no State could thus forcibly be led into the path of righteousness. But they do insist that State plans at least measure up to minimum Federal standards of efficiency, and that these plans be carried out substantially as approved. It is not Federal policy to deal in personalities.

A Federal bureau chief will not demand the resignation of any person in the State service (note, however, the remarks concerning the Forest Service on p. 631), but he may insist that some one better qualified be assigned to the cooperative work. Or, if his policy is less aggressive, he may accept without complaint the appointment of a group of incompetents and direct Federal agents to teach the newcomers the essentials of their jobs. In more than one instance, State employees have received most of their training from agents of the Federal Government. But whatever the method adopted, the effect of Federal influence has been to produce more competent workers in the less progressive States. Federal aid has not eliminated State politics, but it has certainly mitigated the evils of partisan administration.

7. *Federal aid has placed no unreasonable burden on any section of the country.*—Some statesmen and publicists argue at great length that the subsidy system is unfair to the wealthy industrial East, because it results in a transference of wealth from the rich Eastern States to the less wealthy States of the South and West. They point out that Federal aid is apportioned among the States on the basis of population (the subsidies for road construction and forest-fire prevention are, of course, exceptions), while the funds in the Federal Treasury are presumably drawn from the people of the States on the basis of wealth or income. The inhabitants of a rich State pay to the Federal Government in income and other taxes far more per capita than the people of a poor State, but they receive in return in the form of Federal aid exactly the same amount per capita.

To the opponents of Federal aid this arrangement seems inequitable. They contend that the system should be abolished, because every State does not receive a return proportionate to its contribution to the Federal Treasury. "No argument can be made for it," declared Governor Ritchie of Maryland in 1925, speaking before the Pennsylvania State Chamber of Commerce, "except that the States which other States carry want the money." (Federal Subsidies to the States, published by the Pennsylvania State Chamber of Commerce, Harrisburg, Pa. For an analysis of this and other arguments see Macdonald, Austin F., Federal Aid.) Reduced to its simplest terms, the contention of Governor Ritchie and of others who reason along similar lines is that the basis of Federal expenditures should be wealth instead of need. If Federal funds are collected in proportion to wealth or income they ought to be paid out, it is claimed, on the same basis. The fact that some States get back more than they contribute while others receive less "reflects the indefensible discriminations of the 50-50 system."

This reasoning is unique. It runs counter to generally accepted concepts. In theory, at least, if not always in practice, governmental revenue systems are based on the principle of ability to pay, as indicated by wealth or income. The burden of government rests, or ought to rest, upon those best able to bear it. But governmental expenditures are everywhere based on need and not on wealth. The largest schools are, or ought to be, erected in the districts containing the most children, not necessarily in those sections paying the highest taxes.

The greatest expenditures for poor relief are made in the poorest neighborhoods. The acceptance of this principle is virtually universal. Cities spend their revenues where they are most needed, without regard to where they were raised; and the fiscal system of every city results in a transference of wealth from the richer to the poorer districts. The States make large expenditures in the rural sections from funds raised chiefly in the cities. Every large municipality is helping the poorer rural districts to bear the cost of government.

What possible objection can there be, then, to extending the principle of need to the expenditure of Federal revenues? To go a step further, what other principle could possibly be applied with

any suggestion of fairness? Ought Federal judges to be assigned chiefly to the wealthy States on the assumption that most of their salaries are paid by these States? Should the Interstate Commerce Commission devote most of its time to the railroads of the East because so large a part of Federal revenues is derived from the New England and Middle Atlantic States? The mere suggestion of such an arrangement is enough to indicate the folly of trying to make Federal expenditures bear any relation to the wealth of the States.

Need must be the criterion in determining Federal outlays. Population may be a very crude measuring stick—it may serve but roughly to indicate need. But it does so very much more effectively than the wealth of the several States or the amounts of their income taxes. Federal aid can not fairly be criticized because it draws from the wealthy and gives to those less able to bear their share of the burden. Every sound governmental fiscal system does the same.

The objection may well be raised that some more accurate means of measuring need should be found. Population bears only a slight relation to any State's need for roads, schools, or county agents. But though population is not an ideal basis for distributing Federal funds, it has certain obvious advantages. It is uniform, easily determined, and not subject to political manipulations. The committee believes, therefore, that no immediate change should be made in the method of apportioning Federal subsidies.

RECOMMENDED CHANGES IN FEDERAL SUBSIDY SYSTEM

Although the committee unqualifiedly indorses the principle of Federal aid, believing that the subsidy system has proved a highly effective administrative device, it desires nevertheless to call attention to certain features of the system which ought to be changed in the interest of greater efficiency. Defects found in individual laws, and not characteristic of all Federal aid, have already been pointed out and need not here be repeated.

The thoroughness of Federal supervision varies greatly from bureau to bureau. Some Federal bureaus are familiar with every detail of State work; others are ignorant of much that is done by State officials. Some bureaus establish definite standards of performance which must be met by the States before Federal funds are paid out. Others make no attempt to set up standards for the guidance of the States. Some bureaus call the States strictly to account when State practices are discovered at variance with accepted standards. Others are long suffering, accepting virtually any State plan and condoning any State practice short of an actual violation of the letter of the law. In plain words, some Federal bureaus are doing their task of administration—of inspection and supervision—more carefully and more completely than others.

Apparently there is no good reason why all the Federal bureaus administering subsidy laws should not adopt the methods of the more successful. Every bureau should become thoroughly familiar with the work of the States. Every bureau should go beyond the strict letter of the law, encouraging those practices which long experience has shown to be satisfactory and discouraging unsound customs. Whether every bureau should set up definite standards of performance is a debatable question. In some work, such as vocational rehabilitation, it may be impossible to set up rigid standards.

Some Federal bureaus keep too loose a hand on the reins. Some condone too much and insist upon too little. The chiefs of these bureaus justify themselves, and with some reason, by emphasizing the need for continued cordial relations with the States. They point out that the withdrawal of Federal aid from a State might destroy the work of years. And they are undoubtedly correct when they stress the importance of good feeling between Federal and State officials. Without good feeling there can be no real cooperation. The error of the bureaus which adopt a liberal or lax policy is that they assume such a policy to be essential to continued friendly relations with the States. Other Federal bureaus administering subsidy laws do far more to raise State standards, and at the same time they retain the good will and respect of the State officials with whom they work. Other Federal bureaus exercise a most careful supervision of State activities, and yet escape the charge of domination.

The committee realizes that it is no easy task to steer a middle course—to raise State standards consistently and rapidly and yet retain State good will. It admits freely that the severing of friendly State relations in an effort to force State progress would be a tragic error. Yet it believes that some of the Federal administering bureaus err on the side of laxity and that they might well profit from the experience of other Federal bureaus which have successfully carried out a firmer policy.

Congressional appropriations to most of the bureaus for administrative purposes are totally inadequate. As a result the Federal inspectors are generally underpaid and overworked. Inspection is cursory in many cases simply because funds for more adequate investigations are not available. It is poor policy to give liberally to the States and then to withhold from the Federal administering bureaus the money necessary to make certain that Federal allotments are not wasted. Congress could make no wiser investment than by increasing the appropriations for the administration of Federal aid. It would receive large dividends in the form of more thorough Federal inspection and higher State standards of performance.

EXHIBIT B

MEMORANDUM ON A PRELIMINARY REVIEW OF CONSTITUTIONAL LIMITATIONS AFFECTING STATE AND LOCAL RELIEF FUNDS

By Carl A. Heisterman and Miss Paris F. Keener

PART I

Summary statement of constitutional limitations on direct State or local aid to individuals, corporations, or associations

This summary statement covers the constitutional provisions in the various States which prohibit the particular State and/or the local jurisdictions in such State from appropriating, granting, or donating money to or in aid of any individual, association, or corporation. (Source: The constitutions in their present form as found in the statutory codifications of the various States.)

The chief object of this statement is to show which States are limited by their constitutions in appropriating moneys for emergency aid or relief of needy individuals. No effort is made to construe the constitutions and, in the citations herein, the language of the pertinent provisions is followed closely.

The reader should not confuse the subject here covered with that of the separate and distinct constitutional limitations against incurring public indebtedness in aid of any individual, association, or corporation. Such limitations are made the subject of Part II of this memorandum.

The limitations in point will be considered in the following sections.

1. State aid or State apppropriations limited.

(a) Constitutional provisions: The constitutions of 13 States contain definite limitations on State aid to individuals. These States are: Arizona, California, Colorado, Georgia, Louisiana, Mississippi, Missouri, Montana, New Mexico, North Dakota, Pennsylvania, Texas, and Wyoming. Four of these States, however, California, New Mexico, North Dakota, and Wyoming exempt therefrom aid to the poor or to certain special classes of needy persons, and one (Pennsylvania) exempts pensions or gratuities for military service. (California, Art. IV, secs. 22, 31; New Mexico, Art. IV, sec. 31, Art. IX, sec. 14; North Dakota, Art. XII, sec. 185; Pennsylvania, Art. III, sec. 18; Wyoming, Art. III, sec. 36, Art. XVI, sec. 6.)

In six States limitations on State aid to individuals appear to be absolute. (Arizona, Art. IX, sec. 7; Colorado, Art. V, sec. 34; Georgia, Art. VII, sec. 16; Louisiana, Art. IV, sec. 8; Montana, Art V, sec. 35, Art. XIII, sec. 1; Texas, Art. III, sec. 51, Art. XVI, sec. 6.) The following pertinent provision in the constitution of Colorado will illustrate the type of constitutional limitations here considered:

"No appropriation shall be made for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of the State. * * *."

Substantially identical provisions are found in the constitutions of Louisiana and Montana, the latter State also prohibiting donations or grants "by subsidy or otherwise." Arizona prohibits the State from making any donation or grant, by subsidy or otherwise, to any individual, association, or corporation; Georgia prohibits the granting of any donation or gratuity in favor of any person; and Texas declares that no appropriation for private or individual purposes shall be made, and that the legislature shall not grant public money to any individual.

Among the four States which exempt aid to the poor from the limitations, New Mexico and Wyoming have constitutional limitations practically identical with those heretofore noted for Colorado. These two States, however, in other parts of their constitution, also prohibit "donations" in aid of individuals; but New Mexico adds that this shall not "prohibit the State or any county or municipality from making provisions for the care and maintenance of sick and indigent persons," and Wyoming makes an exception "for necessary support of the poor." North Dakota prohibits the State or any local subdivision thereof from making "donations" in aid of any individual, but also makes an exception "for reasonable support of the poor." With respect to exemptions in favor of certain special classes, California prohibits the legislature from making, or authorizing the making of, any gift of any public money or thing of value to any individual; but the State may aid in local outdoor and in institutional relief of orphans and certain other dependent children and may also aid needy blind, physically handicapped, or indigent aged persons, and war veterans.

Mississippi and Missouri also make pertinent qualifications of the limitations. In Mississippi (Art. IV, sec. 66) no law granting a donation or gratuity in favor of any person may be enacted, except with concurrence of two-thirds of all the members of the legislature. Missouri (Art. IV, sec. 46) prohibits any grant of public money or thing of value to any individual, association of individuals, municipal, or other corporation; but permits aid in case of "public calamity." (It is interesting to note that the Legislature of Missouri, in making an appropriation of $250,000 for relief of its drought-stricken citizens, declared the drought of 1930 "a public calamity," within the meaning of "section 46 of Article IV of the constitution of Missouri," and the appropriation act "to be necessary for the preservation of the public peace, health, and safety." See Laws of 1931, p. 205. In this State a constitutional provision on granting aid by local units exempts granting of "pensions to the deserving blind," and is broad enough to permit such pensions from the State (art 4, sec. 47).)

It is also to be noted that some of the foregoing States by other constitutional provisions expressly authorize aid to special classes

of needy persons, such as mothers with dependent children, the blind, the aged, and war veterans. (California (all four classes, as has been noted), art. 4, sec. 22; Louisiana (mothers' pensions), art. 18, sec. 5, p. 267; Missouri (the blind, and soldiers' bonus), art. 4, secs. 44b, 44c, 47.)

While the constitutions of Arizona, Colorado, New Mexico, North Dakota, and Pennsylvania prohibit State appropriations to or in aid of individuals, the fact is that in all of these States, by statute, State funds have been made available for aid to certain special classes. The States of Arizona, New Mexico, and Pennsylvania are authorized by statute to contribute funds in aid of mothers, either directly, as in Arizona, or through the counties, as in New Mexico and Pennsylvania. In Colorado State aid is given to the blind; and in North Dakota, State funds are provided for soldiers' bonus.

(b) Court decisions: The question of the constitutionality of such measures as old-age pensions and relief of families through mothers' aid, as well as certain other public relief measures, has been raised in some of the States here considered; and a few of the pertinent court decisions are cited below.

In Pennsylvania the constitution provides that—

"No appropriation, except for pensions or gratuities for military services, shall be made for charitable, educational, or benevolent purposes to any person or community, nor to any denominational or sectarian institution, corporation, or association." (Art. 3, sec. 18.)

The Supreme Court of Pennsylvania held the old-age assistance act of 1923 (P. L. 189) unconstitutional, as in violation of the above section. (Busser *v.* Snyder (1925) 282 Pa. St. 440, 128 Atl. 80, 37 A. L. R. 1515.) The court said, in part, that the words "person" and "community":

"Are not limited to the idea of a single person or place where persons are located; they are used in an inclusive sense, relating to an individual or a group or class of persons, wherever situated, in any part or all of the Commonwealth. It applies to persons, kind, class, and place, without qualification. The language of the Constitution is an absolute and general prohibition."

The court stated, however, that appropriations of money for the care of "indigent, infirm, and mentally defective, including certain physically defective, persons," may be sustained on the theory that it is a duty of the State government for its own preservation and protection. It held that the law in question could not be sustained on the theory that it is a poor law, because: "The term 'poor,' as used by the law makers, describes those who are destitute and helpless, unable to support themselves, and without means of support."

There have been several court decisions on the constitutionality of mothers' pension laws. (Cass County *v.* Nixon (1917), 35 N. D. 601, 161 N. W. 204; In re Walker (N. D., 1923), 193 N. W. 250; State *v.* Klasen, 123 Minn. 382, 143 N. W. 984; Denver, etc., R. Co. *v.* Grand County, 51 Utah, 294, 170 Pac. 74; In re Snyder, 93 Wash. 59, 160 Pac. 12; State *v.* Buckstegge, 18 Ariz. 277, 158 Pac. 837.) The theory on which such laws are held constitutional is expressed by the Supreme Court of North Dakota in the leading case of Cass County against Nixon. The court said:

"The persons, in fact, the real and actual recipients of the protection and benefits conferred * * *, are indigent minors of tender years (whose mothers are unable) to supply such minors with (the) absolute necessities of life * * *."

And the court adds, in effect, "that such minors are proper subjects of State or local guardianship." In a later case (In re Walker) the same court reasoned that such a law was not in any sense a poor relief act, to aid a certain class of indigent adult persons, but that:

"The pension awarded under the law is rather in the nature of a compensation for services rendered to the State in bringing up its future citizens in proper surroundings and giving them the proper care."

The Supreme Court of Colorado has held that the pertinent constitutional provision (heretofore quoted) prohibits an appropriation "for the relief of destitute farmers" in certain counties. (In re Relief Bills, 21 Colo. 62; 39 Pac. 1089, 1091.) (Certain decisions upholding the constitutionality of measures for incurring indebtedness for similar relief are noted in Part II of this memorandum.)

The constitutionality of statutory measures for direct State relief of needy individuals during the present emergency is a matter of conjecture. No court decision exactly in point has as yet been rendered in the 13 States considered. (In Mississippi, however, the requirement of a two-thirds vote of the legislative membership might permit a vote for direct appropriations for public relief; and, in Missouri, the interpretation of the constitutional term "calamity" might be held to be a matter for legislative determination.)

(c) Time required for amendments to the constitutions: In connection with the possibility of constitutional amendments to permit State aid for relief purposes, it is pertinent to consider the length of time required to amend State constitutions. The most usual requirement is that an amendment may be proposed by the legislature (in a few States also by initiative petition signed by a certain number of qualified voters) and must then be submitted to the people at the next general election. In a few States amendments may apparently be proposed in special sessions of the legislature, and a special election may also be called. A study of the various constitutional requirements in the States in question indicates that in most of such States it is practically impossible to amend the constitution before the lapse of one year or more between the time when the amendment is proposed and the time when it is adopted. It is, for example, noted that in Pennsylvania the time required to amend the constitution has varied from two to six years.

(d) Emergency relief as exercise of police power: It is possible that the constitutionality of a relief measure to meet the emergencies of a particular State may be upheld by the courts on the ground that such a measure is for the public health, safety, and welfare of the people, as well as for the protection of the State, and is therefore constitutional because within the police power inherent in the legislature of the State. This view finds support in judicial construction of the term "police power" by eminent authority. The Supreme Court of the United States, speaking by Mr. Justice Miller, has said:

"The police power, from its very nature, is incapable of any very exact definition, as it concerns the security of social order and the life and health of the citizen, comfort of existence in dense populations, and the enjoyment of private and social life, and the beneficial use of property." (Slaughter House Cases, 16 Wall. 36.)

In a more recent case, decided by this court (Noble State Bank *v.* Haskell (1911), 219 U. S. 104, 111), Mr. Justice Holmes said:

"It may be said in a general way that the police power extends to all the great public needs. (Camfield *v.* United States, 167 U. S. 518.) It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare."

In an Ohio case (Leonard *v.* State, 100 Ohio St. 456; 127 N. E. 464), frequently cited, the supreme court of that State declared that:

"The dimensions of the Government's police power are identical with the dimensions of the Government's duty to protect and promote the public welfare. The measure of police power must square with the measure of public necessity. * * * If there appears in the phrasing of the law and the practical operation of the law a reasonable relation to the public need, its comfort, health, safety, and protection, then such act is constitutional, unless some express provision of the Constitution be clearly violated in the operation of the act. Moreover, the growth of the police power must from time to time conform to the growth of our social, industrial, and commercial life."

The thought that pertinent emergency measures for public relief may be constitutional on the ground that they fall within the police power of the State finds further support in recent legislative expressions appearing in emergency relief legislation in Missouri and New York. The legislature in the former State declares the law (Laws of 1931, p. 205) to be "necessary for the preservation of the public peace, health, and safety"; and the New York Legislature in its comprehensive law, appropriating $20,000,000 for public relief (Laws of 1931, ch. 798), declares in part that:

"The public health and safety of the State and of each county, city, and town therein being imperiled by the existing and threatened deprivation of a considerable number of their inhabitants of the necessaries of life, owing to the present economic depression, such condition is hereby declared to be a matter of public concern, State and local, and the correction thereof to be a State, county, city, and town purpose, the consummation of which requires, as a necessary incident, the furnishing of public aid to individuals. * * * This act, therefore, is declared to be a measure for the public health and safety and occasioned by an existing emergency."

2. Local aid or appropriations limited.

The constitutions of seven States contain definite limitations on aid to individuals by counties, cities, and towns, for which there are no exceptions as to giving relief to the poor or other needy persons, nor do the constitutions of these States contain other provisions expressly authorizing counties to support their poor. (Arizona, art. 9, sec. 7; Arkansas, art. 12, sec. 5; Colorado, art. 11, sec. 2; Delaware, art. 8, sec. 8; Kentucky, sec. 179; New Jersey, art. 1, sec. 19; Pennsylvania, art. 9, sec. 7.) The constitutional limitation upon local units either expressly forbids any county, city, town, or other subdivision of the State to appropriate money or make any donation or grant to or in aid of any individual, association, or corporation, or expressly forbids legislation to authorize such action.

Three States have similar constitutional limitations but make exemptions which have a limited application: Missouri exempts blind pensions, and Louisiana and Texas provide in the constitution for public indoor (institutional) relief. (Missouri, art. 4, sec. 47; Louisiana, art. 4, sec. 12; Texas, art. 3, secs. 51, 52, art. 9, sec. 2, and art. 16, sec. 8.)

In 10 other States the constitutions also prohibit local units from extending aid to individuals, but in six of these States the constitutional limitations are qualified by specific exemptions in favor of the poor (Georgia, art. 7, sec. 6 (1); New Mexico, art. 9, sec. 14; New York, art. 8, sec. 10; North Dakota, art. 12, sec. 185; Washington, art. 8, sec. 7; Wyoming, art. 16, sec. 6) and in four States, in other parts of the constitutions, the local units are specifically authorized to support the poor. (Alabama, art. 4, secs. 88, 94; Florida, art. 9, sec. 10, art. 13, sec. 3; Montana, art. 10, sec. 5, art. 13, sec. 1; Oklahoma, art. 10, sec. 17, art. 17, sec. 3.)

In this connection, it may be of interest to note seven States which also have consitutional authorization for poor relief, although these States do not have the limitation on local aid to individuals. (These States are: Indiana, art. 9, sec. 3; Kansas, art. 7, sec. 4; Michigan, art. 8, secs. 11, 22; Mississippi, art. 14, sec. 262; Nevada, art. 13, sec. 3; North Carolina, art. 11, sec. 7;

South Carolina, art. 12, sec. 3.) In three of these (Indiana, Michigan, and Mississippi) the constitutional authorization covers only indoor relief.

With reference to support of the poor, it is safe to assume that, in the absence of any constitutional provision authorizing counties or other local units (with the exception of North Carolina, where the constitutional provision for support of the poor is general, all of the States listed as having constitutional authorization for poor relief, place the burden of such relief on the local unit. The constitutions apply the duty of poor relief only to "counties" or other local subdivisions), to support their poor, such local units have an inherent right and duty to support their public charges.

Here, again, the police power, inherent in the legislature and the State as well as in its local units, may be deemed to include the power to protect and relieve needy citizens, as given judicial expression in at least three court decisions. (Hornden *v.* New Haven, 91 Conn. 589, 101 Atl. 11; Busser et al *v.* Snyder, 282 Pa. 440, 128 Atl. 80; Fox *v.* Kendall, 97 Ill. 72.) A Connecticut court held in substance that the prevention of any person from suffering for the necessities of life is a legitimate exercise of governmental power. The Supreme Court of Pennsylvania, in the course of its opinion on the constitutionality of an old-age pension law, said:

"* * * There is no direct prohibition against the use of State money to pay for the care and maintenance of indigent, infirm, and mentally defective persons without ability or means to sustain themselves, and other charges of a like nature. They become direct charges on the body politic for its own preservation and protection. As such, in the light of an expense, they stand in the same position as the preservation of law and order."

And the Illinois court in considering a statute shifting support of the poor from the county to the township said:

"The general assembly, we apprehend, has the undeniable right to impose the support of paupers on counties, cities, incorporated villages, or townships, as it may choose. This is a portion of the police power that may be exercised by that body according to its wisdom and sense of right. * * *"

The foregoing would warrant the conclusion that despite any constitutional limitations against granting aid to individuals a statutory measure for the relief of the poor by local units is constitutional as a proper exercise of the police power of the legislature. From a social viewpoint the constitutional limitations on aid by local units are relatively unimportant, because the fact is that the local units in practically all of the States listed are actually granting poor relief.

3. States which appear to have no pertinent limitations on granting State or local aid.

The remaining 26 States (Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wisconsin) appear to have none of the limitations considered within the scope of this part of the memorandum. Some of these States, however, have constitutional limitations against incurring indebtedness in aid of any individual, and it is possible that such limitations would seriously handicap emergency aid or relief of any group of needy individuals. These limitations are made the subject of Part II of this memorandum.

PART II

Summary statement of constitutional limitations on incurring indebtedness by States and their local units

This part of the memorandum covers for the various States the constitutional limitations on State and local indebtedness with reference to:

(1) The extension of credit through loan or pledge in any form by the State to or in aid of its local units.

(2) The extension of credit through loan or pledge in any form by (a) the State and (b) the local units to or in aid of any individual, corporation, or association.

(3) The amount of indebtedness which States or local units may incur.

The general purpose is to show which States are limited by their constitutions in incurring indebtedness for purposes of emergency aid or relief of needy individuals. In some of the States pertinent constitutional limitations are made inapplicable to certain public purposes, or indebtedness is permitted under other constitutional provisions for such items as the building of roads and public structures, for soldiers' and sailors' homes and support, for educational purposes, for refunding of bonds, and also in cases of war, invasion, and insurrection. Unless such exceptions to the limitations specifically apply to the subject of public aid they are not cited in this memorandum.

These constitutional limitations against borrowing money for relief of individuals are exclusive of those dealt with in Part I, which limit or prohibit donations or appropriations of moneys to or in aid of any individual. In this connection, it is to be noted that, while a particular State or locality may be prohibited from extending its credit to individuals there may not be any constitutional limitation against making appropriations in aid of individuals and, therefore, such aid might be legally granted.

The following constitutional provisions in some of the States are illustrative of those found in the constitutions of the other States.

California: "The legislature shall have no power to give or lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, * * * in aid of or to any person, association, or corporation, whether municipal or otherwise, or pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever * * * ." (Art. 4, sec. 31.)

Colorado: "Neither the State nor any county, city, town, township, or school district shall lend or pledge the credit or faith thereof, directly or indirectly, in any manner to or in aid of any person, company, or corporation, public or private, for any amount or for any purpose whatever, or become responsible for any debt, contract, or liability of any person, company, or corporation, public or private, in or out of the State.' (Art. 11, sec. 1.)

Delaware: "No appropriation of the public money shall be made to, nor the bonds of this State be issued or loaned to any county, municipality, or corporation, nor shall the credit of the State, by the guarantee or the indorsement of the bonds or other undertakings of any county, municipality, or corporation, be pledged otherwise than pursuant to an act of the general assembly, passed with the concurrence of three-fourths of all the members elected to each house." (Art. 8, sec. 4.)

"No county, city, town, or other municipality shall lend its credit or appropriate money to, or assume the debt of * * * any corporation or any person or company whatever." (Art. 8, sec. 8.)

New York: "Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation, or private undertaking. This section shall not, however, prevent the legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper. *. * *." (Art. 8, sec. 9.)

"No county, city, town, or village shall * * * loan its money or credit to or in aid of any individual, association, or corporation * * * (nor become indebted) except for county, city, town, or village purposes. This section shall not prevent such county, city, town, or village from making such provision for the aid or support of its poor as may be authorized by law. * * *." (Art. 8. sec. 10.)

Nebraska: "The credit of the State shall never be given or loaned in aid of any individual, association, or corporation." (Art. 13, sec. 3.)

1. Limitations on indebtedness by State in aid of local units.

The constitutions of 22 States (California, Art. IV, sec. 31; Colorado, Art. XI, sec. 1; Delaware, Art. VIII, sec. 4; Georgia, Art. VII, sec. 8 (1); Idaho, Art. VIII, sec. 2; Illinois, Art. IV, sec. 20; Indiana, Art. X, sec. 6; Kentucky, secs. 157a, 177; Louisiana, Art. IV, sec. 12; Michigan, Art. X, sec. 12; Missouri, Art. IV, sec. 45; Montana, Art. XIII, sec. 4; Nevada, Art. IX, sec. 4; Ohio, Art. VIII, sec. 5; Oklahoma, Art. X, secs. 14, 15; Oregon, Art. XI, sec. 8; Pennsylvania, Art. IX, sec. 9; Tennessee, Art. II, sec. 31; Texas, Art. III, sec. 50; Utah, Art. XIV, sec. 6; Virginia, Art. XIII, sec. 185; West Virginia, Art. X, sec. 6) expressly prohibit the extending of State credit to or in aid of, and/or the assuming of any liability of, the various local units. New Mexico, with similar limitations, provides that these shall not "prohibit the State or any county or municipality from making provisions for the care and maintenance of sick and indigent persons." (New Mexico, Art. IX, sec. 14.)

The following list shows the application of the constitutional limitations in each State:

State	Local unit	•Indicates no credit to be given	•Indicates no debt to be assumed
California	Municipalities		•
Colorado	Public corporation	•	•
Delaware	Counties, municipalities	•	1 •
Georgia:	County, municipality, political subdivision		•
Idaho	Municipalities	•	
Illinois	Public corporation	•	•
Indiana	County, city, town, township		•
Kentucky	Municipality or political subdivision	•	
Louisiana	"Political," public, and municipal corporation.	•	•
Michigan	Public corporation	•	
Missouri	Municipalities	•	•
Montana	County, city, town, or municipal corporation.		•
Nevada	County, town, city		•
Ohio	County, city, town, or township		•
Oklahoma	County, municipality, or political subdivision.	•	•
Oregon [2]	County, town, "or other corporation"		•
Pennsylvania	City, county, borough, township		•
Tennessee	Municipalities	•	
Texas	do	•	•
Utah	County, city, town		•
Virginia	do	•	•
West Virginia	County, city, township	•	•

[1] Delaware: State can not pledge the bonds of such local units, except by specific legislative authority of three-fourths of all members of the legislature.

[2] Oregon: Under this section, the supreme court of this State has held that the legislature may make an appropriation to a city where most of the private and public property was destroyed by fire, to enable the city to pay interest on bonds to be issued for reconstruction of the public property, and to create a sinking fund for the retirement of the bonds. (Kinney *v.* Astoria, 108 Oreg. 514, 217 P. 840.)

2. Limitations on indebtedness in aid of individuals, associations, or corporations by States or local units.

In most of the States the constitutions expressly prohibit the State from granting its credit to or in aid of any individual, association, or corporation; and some of the States also prohibit the legislature from authorizing local units so to extend their credit. (In Delaware the limitation applies only to local units. Connecticut, Kansas, New Hampshire, Oregon, Rhode Island, South Dakota, and Vermont appear to have no pertinent limitation. In Nevada and Utah the limitation does not apply to the class of individuals here considered; and in Ohio the limitation applies to "individual associations.")

It is found that, under the constitution of thirty-four States (Alabama, Art. IV, sec. 93; Arizona, Art. IX, sec. 7; Arkansas, Art. XVI, sec. 1, as amended in 1926; California, Art. IV, sec. 31; Colorado, Art. XI, sec. 1; Florida, Art. IX, sec. 10; Georgia, Art. VII, sec. 5 (1); Idaho, Art. VIII, sec. 2; Illinois, Art. IV, sec. 20; Indiana, Art. XI, sec. 12; Iowa, Art. VII, sec. 1; Kentucky, sec. 177; Louisiana, Art. IV, sec. 12; Maine, Art. IX, sec. 14; Maryland, Art. III, sec. 34; Massachusetts, Art. LXII; Michigan, Art. X, sec. 12; Minnesota, Art. IX, sec. 10; Mississippi, Art. XIV, sec. 258; Missouri, Art. IV, sec. 45; Montana, Art. XIII, sec. 1; Nebraska, Art. XIII, sec. 3; New Jersey, Art. IV, sec. 6 (3); New York, Art. VII, sec. 1; Art. VIII, sec. 9; North Carolina, Art. V, sec. 4; Oklahoma, Art. X, sec. 15; Pennsylvania, Art. IX, sec. 6; South Carolina, Art. X, sec. 6, as amended in 1926 (Laws of 1927, No. 104); Tennessee, Art. II, sec. 31; Texas, Art. III, sec. 50; Virginia, Art. XIII, sec. 185; Washington, Art. VIII, sec. 5; West Virginia, Art. X, sec. 6; Wisconsin, Art. VIII, sec. 3) credit may not be lent or extended by the State to, or in aid of, any individual, association, or corporation. In New Mexico, North Dakota, and Wyoming, similar limitations are imposed, but with exceptions as to support of the poor. (New Mexico, Art. IX, sec. 14; North Dakota, Art. XII, sec. 185; Wyoming, Art. XVI, sec. 6.)

With respect to constitutional limitations applicable to the local jurisdictions, it is found that in 17 of the foregoing 37 States, and also in Delaware, the constitutions either expressly forbid any county (except Michigan which applies the limitation only to cities and villages) or other local unit to give, lend, or pledge its credit to or in aid of any individual, association, or corporation, or expressly forbid the legislatures to authorize such action. (Alabama, Art. IV, sec. 94; Arizona, Art. IX, sec. 7; Arkansas, Art. XII, sec. 5, Art. XVI, sec. 1, as amended in 1926; California, Art. IV, sec. 31; Colorado, Art. XI, sec. 1; Delaware, Art. VIII, sec. 4; Florida, Art. IX, sec. 10; Idaho, Art. VIII, sec. 4; Kentucky, sec. 179; Louisiana, Art. IV, sec. 12; Michigan, Art. XIII, sec. 25; Missouri, Art. IV, sec. 47; Montana, Art. XIII, sec. 1; New Jersey, Art. I, sec. 19 ("individual association"); Pennsylvania, Art. IX, sec. 7; Tennessee, Art. II, sec. 29; Texas, Art. III, sec. 52; Virginia, Art. XIII, sec. 185.) In seven other States similar limitations are imposed but with pertinent exceptions. (Georgia, Art. VII, sec. 6(1); New Mexico, Art. IX, sec. 14; New York, Art. VIII, sec. 10; North Dakota, Art. XII, sec. 185; South Carolina, Art. X, sec. 6, as amended in 1926 (Laws of 1927, No. 104); Washington, Art. VIII, sec. 7; Wyoming, Art. XVI, sec. 6.)

These exceptions are, in effect, as follows: In Georgia the limitation upon local units does not apply where the credit or appropriation is for "purely charitable purposes." New Mexico provides that the limitation shall not prohibit the State or the local units from "making provisions for the care of sick and indigent persons." New York permits counties, cities, towns, and villages to provide for the poor. (New York also prohibits State credit in aid of "any association, corporation, or private undertaking," but specifies that this shall not prevent the legislature from making proper provisions for the education and support of the blind, the deaf and dumb, and juvenile delinquents. Art. 8, sec. 9.) In North Dakota and Wyoming the State or the local units, and in Washington the local units may not extend their credit in aid of any person, except for the support of the poor. In South Carolina, local bonds may not be issued, except for certain purposes, which include the support of paupers.

The constitution in some States specifically authorizes the local units to support their poor; (Alabama, Art. IV, sec. 88; Florida, Art. XIII, sec. 3; Montana, Art. X, sec. 5; Texas, Art. XVI, sec. 8.) and in States where the courts have construed the constitution, as has been done in Montana (see p. 24) it may be that such local units can give credit or issue bonds for relief of the needy. In this connection, it is of interest to note the following unique constitutional provision in Massachusetts:

"The maintenance and distribution at reasonable rates, during time of war, public exigency, emergency or distress, of a sufficient supply of food and other common necessaries of life and the providing of shelter, are public functions, and the commonwealth and the cities and towns therein may take and may provide the same for their inhabitants in such manner as the general court shall determine." (Art. XLVII.)

In North Carolina the State may not lend its credit in aid of any person, except upon submission of the question to the people and with the consent of a majority of the voters, and in Tennessee there is a similar provision, but with respect to local units. (North Carolina, by art. 7, sec. 7, also prohibits any loans, etc., by local units (individuals are not specified), except by vote of a majority of the voters.) Maryland has amended the constitutional limitation against extending State credit to an individual, so as to enable the State to aid war veterans. (Constitution, art. 3, sec. 34, as amended in 1924.) In Montana a similar constitutional amendment failed of ratification.

3. Limitations on amount of indebtedness which States or local units may incur.

Most of the States have constitutional limitations under which the particular State is prohibited from incurring indebtedness above certain amounts, presumably for purposes other than those for which indebtedness is specifically authorized by the constitution. (Unless more is approved on referendum in California, Idaho, Kansas, Montana, New Jersey, North Dakota, Rhode Island, Wyoming. Instead of stating a specific amount, the States of Nevada, Utah, and Wyoming specify a certain percentage of the assessed valuation of all the taxable property of the State.) The constitutions of most of these States permit the State to incur indebtedness for such items as, for example, the construction of State buildings or institutions and of roads and also for educational purposes.

With reference to the limited amounts mentioned in the constitutions, the inference is that money can be raised up to the limits for purposes not expressly authorized nor specifically prohibited by the constitution; but it is difficult to ascertain whether the amounts within such limits are not already incurred or outstanding as State debts. In view of the constitutional restriction against State credit in aid of individuals, it is also questionable whether the limited amounts, if not outstanding, could be used for purposes of relief to the needy.

With respect to the constitutional limitations on amounts of indebtedness by local units, such limitations are expressed in terms of percentage of the assessed valuation of taxable property. The value of the taxable property on which the percentage limit of indebtedness is computed, as specified in most of the constitutions, is the value ascertained by the latest assessment for State and/or county tax previous to the incurring of such indebtedness. It is important to note that these percentage limitations on indebtedness have no relationship to the percentage limitation on property valuation for purposes of taxation, nor to the taxes which may be raised by a local unit under its constitutional power of taxation. To be specific: If the assessed value of the property of a county is $5,000,000, and the county is empowered to incur, and has incurred, an indebtedness of 10 per cent, or $500,000, of such value, such county may still raise by periodical taxation funds for legitimate purposes to the extent of 2 or 3 per cent—or whatever the statutory or constitutional limit may be—of such value of $5,000,000.

In general, there appears in these constitutional limitations on local units no limitations as to the purposes for which the proceeds of the indebtedness, so limited, may be used. It is, however, to be noted that indebtedness for purposes of public relief may be held unconstitutional under other limitations heretofore discussed. There are many judicial decisions on the constitutional limitations imposed upon local units as to the percentage of indebtedness, but they do not bear specifically on the subject of bond issues for purposes of public relief. The substance of judicial rulings in these decisions, in so far as they are pertinent here, is: That the constitutional limitations are clear and unambiguous and mean just what they state, namely, that no indebtedness may be contracted in any manner or amount, for any purpose, in excess of the prescribed limit; and that any law authorizing a bond issue in excess of such limit is unconstitutional and the bonds issued thereunder are void. (This also appears to be the judicial rule with respect to the States.) In this connection one case has been noted (State ex rel. Cryderman *v.* Wienrich, 54 Mont. 390, 394; 170 Pac. 942 (1915), referred to in more detail hereafter. In that case the Supreme Court of Montana, in holding constitutional a law in aid of farmers, held that by virtue of the constitutional provision that no county shall incur any indebtedness for any single purpose in any amount exceeding $10,000, without approval of a mjaority of the electors, a particular county could not exceed the limit of $10,000 for such aid without such approval.

PART III

Preliminary statement with reference to certain court decisions on constitutional limitations against aid or credit to individuals

The court decisions, which appear to be pertinent here, are: Those which have a direct bearing on the constitutionality of statutes authorizing public aid or credit to individuals and those in which the courts have construed the pertinent constitutional limitations with constitutional provisions authorizing counties to relieve their poor. No exhaustive search of court decisions has as yet been made, but the following observations with reference to the latter type of decisions and also to the constitutional authorizations for poor relief may be helpful.

In connection with relief of the poor the pertinent constitutional status in Montana is shown for purposes of illustration and to emphasize the importance of more extensive research of the entire subject in question. The constitution of that State provides that:

"Neither the State, nor any county, city, town, municipality, nor other subdivision of the State shall ever give or loan its credit in aid of or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation * * *." (XIII 1.)

The following is the construction of this provision by the Montana court.

"A $20,000 guaranty fund to assure payment of interest on farm-loan bonds was held unconstitutional because it gives the credit of the State for the benefit of those who might become lenders under the act." (Hill *v.* Rae, 52 Mont. 378, 388, 158 Pac. 826.)

"The seed grain law of 1915, to furnish aid to farmers so reduced in circumstances by natural or other conditions beyond their control that they have no means wherewith to purchase seed, does not offend against this section when construed with

section 5, Article X, of the Constitution, making it the duty of counties to provide for those inhabitants who, by reason of misfortune, may have claims upon the aid of society." (State ex rel. Cryderman v. Wienrich (1918), 54 Mont. 390, 394; 170 Pac. 942.)

Where the State constitution imposes a limitation on local indebtedness but specifically excepts from such limitation indebtedness incurred for support of the poor (as, for example, in South Carolina) the judicial construction here referred to is perhaps of less importance.

The pertinent constitutional provision in North Carolina is different from that in other States and is as follows:

"Beneficent provisions for the poor, the unfortunate, and orphan, being one of the first duties of a civilized Christian State, the general assembly shall * * * appoint and define the duties of a board of public charities * * *." (Art. XI, sec. 7.)

Under this section the supreme court of that State held that a county may pledge its faith and credit and issue valid bonds, without the approval of its voters, for the building of a county home for the poor, because "beneficent provisions" for them are recommended "as one of the first duties of a civilized and Christian State." (Commissioner v. Spitzer & Co., 173 N. C. 147; 91 S. E. 701.)

In an early case (State ex rel. Griffith v. Osawkee Twp. (1875), 14 Kans. 418), in Kansas, a statute, authorizing townships to issue bonds for the purpose of raising funds to provide grain for seed and feed for destitute farmers, was declared unconstitutional for the reason that it provided for taxation for other than a public purpose. Later the Supreme Court of North Dakota, in a leading case (State v. Nelson County (1890), 1 N. D. 88, 45 N. W. 33), in holding constitutional a similar statute for needy farmers, refused to follow the Kansas decision and, in the course of its opinion, said:

"This court has great respect for the court which promulgated that decision, and the most sincere admiration for the distinguished jurist, now upon the Supreme Bench of the Nation (the late Justice Brewer), who wrote the opinion in that case. Nevertheless we can not yield our assent to the reasoning of the case, leading to the conclusion that a loan of aid to an impoverished class, not yet in the poorhouse, is necessarily a tax for a private purpose. In our view, it is not certain, or even probable, in the light of subsequent experience in the West, that the court of last resort in the State of Kansas would enunciate the doctrine of that case at the present day. * * * Under the stress of adversity peculiar to the condition of the frontier farmer, there has come to be an expansion of the legal meaning of the term 'poor' sufficient to embrace a class of destitute citizens who have not yet become a public charge."

In the seed-grain decision, rendered by the Montana court in 1918, that court followed the leading case of State v. Nelson County and emphatically refused to be guided by the earlier Kansas decision, but reenforced the sound judicial expression of a social policy by the court of North Dakota, declaring:

"We realize that in (Kansas) the court * * * has taken other ground, holding, in effect, that one is not a pauper subject to relief until he is actually a pauper, not only helpless, but hopeless. * * * The argument * * * no longer responds to the spirit, nor meets the needs, of an age which has learned that 'an ounce of prevention is worth a pound of cure,' and that it is sounder benevolence to help the needy to support themselves, to retain or regain their self-respect, than it is to wholly and forever keep them in the public charge and at the public expense."

The State of Nebraska by constitutional limitation (Art. XIII, sec. 2) prohibits local units from ever making "donations to * * * works of internal improvement, unless a proposition so to do shall have been first submitted to the qualified electors * * *"; and provides that such donations of a county with the donations of a local subdivision shall not exceed 10 per cent of the assessed valuation of such county, but that such local units by a two-thirds vote may increase the indebtedness by 5 per cent. In 1890 the legislature submitted to the Supreme Court of Nebraska the constitutionality of a resolution authorizing certain counties to issue bonds, within the constitutional limits as to percentage and the vote of the residents, but for the purpose of relieving farmers in their drought-stricken areas. The court held the resolution constitutional (in re House Roll 284, 48 N. W. 275), saying, in the course of its opinion:

"A great calamity befell a number of counties of this State last year, by which a large part or all of the crops were destroyed, and the people left in a suffering condition. The soil and climate are excellent, and, with proper assistance, the citizens of those counties will be able to cultivate their farms, raise crops, and add millions of dollars to the wealth of the counties and of the State. Without this aid, many, perhaps a large portion, of the people of the counties named will be unable to cultivate their farms and raise crops. It thus becomes a matter of public concern, and the law may be sustained upon two grounds: (1) as a matter designed for public benefit; and (2) as a police regulation, to enable persons in straitened circumstances who, without fault upon their part, have met with misfortune, and are thereby greatly impoverished, to start anew in the cultivation of their farms with a reasonable prospect of success—in other words, from being dependent, to soon become able to provide for all their own wants."

The following judicial decisions on the constitutionality of measures for granting either aid or credit to an individual will also be of interest: The Supreme Court of Arizona, in the course of an opinion (Fairfield v. Huntington, 205 Pac. 814, 816), declared that the pertinent constitutional limitation—

"* * * prevents the State from becoming a subscriber to a charitable object, either alone or with others; that is, from appropriating its funds to an individual, association, or corporation for a cause having no claim upon the State other than its admitted worthiness."

In Michigan the constitution provides that:

"No city or village shall have power to * * * loan its credit, nor to assess, levy, or collect any tax or assessment for other than a public purpose * * *." (Art. 8, sec. 25.)

The Supreme Court of Michigan held that a city ordinance creating a pension system for civil employees was for a public purpose and not violative of this section of the constitution. (Bowler v. Nagel, 228 Mich. 434, 200 N. W. 258.)

With respect to relief of war veterans, the Supreme Court of North Carolina held that legislation for issuing bonds to aid war veterans in securing homes is the pledging of the credit for a "public purpose," and is constitutional. (Hinton v. Lacy, 193 N. C. 496, 137 S. E. 669.) In Wisconsin the supreme court held that the soldiers' educational bonus law does not lend State credit or create a debt, and that such law merely levies a tax for the purpose of making a gift, revocable at will, and no contract relationship is established. (State ex rel. Atwood v. Johnson, 170 Wis. 251, 176 N. W. 224.)

In conclusion, it would seem that, while limitations exist in many State constitutions, some of the State courts are inclined to interpret these limitations liberally and to consider relief of the needy as a public duty which comes outside of such constitutional restrictions.

CARL A. HEISTERMAN, *Legal Research.*

Mr. HULL obtained the floor.

Mr. McKELLAR. Mr. President, will my colleague yield to me to suggest the absence of a quorum?

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

Mr. HULL. I yield to my colleague.

Mr. McKELLAR. 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	Costigan	Kean	Schall
Austin	Couzens	Kendrick	Sheppard
Bailey	Cutting	Keyes	Shipstead
Bankhead	Dale	King	Smith
Barbour	Dickinson	La Follette	Smoot
Barkley	Dill	Logan	Steiwer
Bingham	Fess	McGill	Stephens
Black	Frazier	McKellar	Thomas, Idaho
Blaine	Glass	McNary	Thomas, Okla.
Borah	Glenn	Metcalf	Townsend
Bratton	Gore	Moses	Trammell
Brookhart	Hale	Neely	Tydings
Broussard	Harrison	Norbeck	Vandenberg
Bulkley	Hastings	Norris	Wagner
Bulow	Hatfield	Nye	Walcott
Byrnes	Hawes	Oddie	Walsh, Mass.
Capper	Hayden	Patterson	Walsh, Mont.
Caraway	Hebert	Pittman	Waterman
Carey	Howell	Reed	Watson
Coolidge	Hull	Robinson, Ark.	Wheeler
Copeland	Jones	Robinson, Ind.	White

Mr. SHEPPARD. I desire to announce the necessary absence of my colleague the junior Senator from Texas [Mr. CONNALLY] on account of illness.

I also wish to announce that the senior Senator from Georgia [Mr. HARRIS], the junior Senator from Georgia [Mr. GEORGE], the senior Senator from Florida [Mr. FLETCHER], and the junior Senator from Louisiana [Mr. LONG] are necessarily detained on business of the Senate.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. The Senator from Tennessee has the floor.

Mr. McNARY. Mr. President——

Mr. HULL. I yield to the Senator from Oregon.

EXECUTIVE SESSION

Mr. McNARY. With the consent of the Senator from Tennessee, I move that the Senate proceed to the consideration of executive business.

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

Mr. HULL. I do.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

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

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate sundry executive messages, which were referred to their appropriate committees.

REPORTS OF COMMITTEES

Mr. ODDIE, from the Committee on Post Offices and Post Roads, reported sundry nominations of postmasters.

Mr. REED, from the Committee on Military Affairs, reported favorably the nominations of several general reserve officers and sundry officers in the Regular Army.

Mr. STEIWER, from the Committee on Public Lands and Surveys, reported favorably the nomination of Frank P. Light, of Oregon, to be register of the land office at Lakeview, Oreg.

The VICE PRESIDENT. If there are no further reports of committees, the calendar is in order.

THE CALENDAR

The Chief Clerk proceeded to read Calendar No. 5, Executive KK (70th Cong., 2d sess.), 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. BORAH. Mr. President, the two treaties on the calendar are to go over on the request of the Senator from Montana [Mr. WALSH]. This notice may stand until they are called up.

The VICE PRESIDENT. The treaties will be passed 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. Mr. President, at the request of the senior Senator from South Dakota [Mr. NORBECK], I ask that all nominations to the Federal Farm Board may go over.

The VICE PRESIDENT. The nominations will be passed over.

UNITED STATES TARIFF COMMISSION

The Chief Clerk read the nomination of Ira M. Ornburn to be a member of the United States Tariff Commission.

Mr. WATSON. Mr. President, I have an understanding with the junior Senator from Colorado [Mr. COSTIGAN] that this nomination may go over until Tuesday next, the understanding being that the nomination may be taken up at that time.

Mr. COSTIGAN. Mr. President, the request was made because of the absence of the Senator from Nebraska.

The VICE PRESIDENT. The nomination will be passed over.

The Chief Clerk read the nomination of Robert L. O'Brien to be a member of the United States Tariff Commission.

Mr. WATSON. That is in the same situation.

The VICE PRESIDENT. The nomination will be passed over.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of Sydney G. Gest to be secretary, Diplomatic Service.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Holmes C. Smith to be Foreign Service officer, unclassified, vice consul of career, secretary in the Diplomatic Service.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

INTERIOR DEPARTMENT

The Chief Clerk read the nomination of George C. Crom to be register, land office, Gainesville, Fla.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

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

Mr. ODDIE. I move that the nominations of postmasters be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

COAST GUARD

The Chief Clerk proceeded to read the nomination of Robert C. Sarratt to be lieutenant commander, United States Coast Guard.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

CONFIRMATION OF ANDREW W. MELLON TO BE AMBASSADOR TO GREAT BRITAIN

Mr. REED. Mr. President, earlier in the day, by unanimous vote of the members of the Foreign Relations Committee who met, more than a quorum of the committee being present, I was instructed to report out the name of Mr. Andrew W. Mellon to be ambassador to Great Britain, and I did so. The nomination has been added in typewriting at the end of the calendar which is before the Senate, there not being time to reprint the calendar to show the nomination in the usual way. I ask unanimous consent that the nomination may be acted upon at this time.

The VICE PRESIDENT. Is there objection?

Mr. McKELLAR. Mr. President, I want to announce that I expect to vote against confirmation in this case, but I would just as soon have it acted on this afternoon as not.

The VICE PRESIDENT. The question is on confirming the nomination. [Putting the question.] The ayes have it, and the nomination is confirmed.

Mr. REED. Mr. President, as is obvious to the Members of the Senate, there is an automatic change taking place in the board of directors of the Reconstruction Finance Corporation, Mr. Mellon going off the board and Mr. Mills, if he is appointed, taking his place, and the new Under Secretary, whoever he may be, going on as a member ex officio.

I am well aware of the settled policy of the Senate regarding notifying the President in advance of the period available for reconsideration; but for the reasons stated by the Senator from Arkansas [Mr. ROBINSON] the other day in expediting the notice of the confirmation of members of the board of the Reconstruction Finance Corporation, I ask unanimous consent that the President may now be notified of the confirmation of Mr. Mellon.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the President will be notified that the Senate advises and consents to the nomination.

The Senate resumed legislative session.

MESSAGE FROM THE HOUSE—ENROLLED BILL 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 bill (S. 355) providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration), to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes, and it was signed by the Vice President.

RELIEF OF UNEMPLOYMENT

The VICE PRESIDENT. The Senate resumes consideration of the bill (S. 3045) to provide for cooperation by the Federal Government with the several States in relieving the hardship and suffering caused by unemployment, and for other purposes, and the Senator from Tennessee [Mr. HULL] is entitled to the floor.

Mr. McNARY. Mr. President, the Senator from Tennessee very generously yielded so that we might have an executive session. I understand that he would like to proceed on Monday.

Mr. HULL. That is agreeable to me.

RECESS UNTIL MONDAY

Mr. McNARY. I move that the Senate take a recess until Monday at 12 o'clock.

The motion was agreed to; and the Senate (at 3 o'clock and 50 minutes p. m.) took a recess until Monday, February 8, 1932, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 5, 1932

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF UNITED STATES OF AMERICA TO GREAT BRITAIN

Andrew W. Mellon, of Pennsylvania, to be ambassador extraordinary and plenipotentiary of the United States of America to Great Britain, vice Charles G. Dawes, resigned.

UNITED STATES ATTORNEY

Dwayne D. Maddox, of Tennessee, to be United States attorney, western district of Tennessee, to succeed Nelson H. Carver, who is serving in this position under a recess appointment.

UNITED STATES MARSHALS

Frederick L. Esola, of California, to be United States marshal, northern district of California. (He is now serving in this position under an appointment which expires March 5, 1932.)

Charles D. Jones, of Alaska, to be United States marshal, division No. 2, district of Alaska. (He is now serving in this position under an appointment which expired June 30, 1930.)

William W. Harrison, of Florida, to be United States marshal, northern district of Florida, to succeed Millard M. Owens, deceased. (Mr. Harrison is now serving in this position under an appointment by the court.)

Reese Q. Lillard, of Tennessee, to be United States marshal, middle district of Tennessee. (He is now serving in this position under an appointment which expired January 16, 1932.)

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO JUDGE ADVOCATE GENERAL'S DEPARTMENT

Capt. Paul Gerhardt Balcar, Infantry (detailed in Judge Advocate General's Department), with rank from March 10, 1929.

TO ORDNANCE DEPARTMENT

First Lieut. Edward Campbell Franklin, Coast Artillery Corps, with rank from September 1, 1931, effective June 18, 1932.

TO COAST ARTILLERY CORPS

Maj. Richard Stearns Dodson, Field Artillery, with rank from July 1, 1920, effective August 2, 1932.

PROMOTIONS IN THE REGULAR ARMY

To be colonels

Lieut. Col. Copley Enos, Cavalry, from January 28, 1932.

Lieut. Col. Shepard Lawrence Pike, Infantry, from February 1, 1932.

Lieut. Col. Roy Carrington Kirtland, Air Corps, from February 1, 1932.

To be lieutenant colonels

Maj. Henry Clinton Kress Muhlenberg, Air Corps, from January 28, 1932.

Maj. Louis Lindsay Pendleton, Coast Artillery Corps, from February 1, 1932.

Maj. John Francis Curry, Air Corps, from February 1, 1932.

Maj. James Eugene Chaney, Air Corps, from February 1, 1932.

Maj. Thomas Alexander Terry, Coast Artillery Corps, from February 1, 1932.

To be majors

Capt. John Henry Milam, Field Artillery, from January 28, 1932.

Capt. Emil Charles Rawitser, Judge Advocate General's Department, from February 1, 1932.

Capt. Wade Woodson Rhein, Coast Artillery Corps, from February 1, 1932.

Capt. John David Key, Field Artillery, from February 1, 1932.

Capt. Harry Herman Young, Air Corps, from February 1, 1932.

Capt. Arthur Cole Fitzhugh, Field Artillery, from February 1, 1932.

Capt. Frank Alfred Jones, Infantry, from February 1, 1932.

Capt. Frank Curtis Mellon, Field Artillery, from February 1, 1932.

Capt. Donald Wilson, Air Corps, from February 1, 1932.

To be captains

First Lieut. Charles Wesley Wood, Signal Corps, from February 1, 1932.

First Lieut. Eugene Walter Lewis, Quartermaster Corps, from February 1, 1932.

First Lieut. James Brian Edmunds, Cavalry, from February 1, 1932.

First Lieut. Oscar William Koch, Cavalry, from February 1, 1932.

First Lieut. Howard Sallee, Quartermaster Corps, from February 1, 1932.

First Lieut. John Joseph Gahan, Infantry, from February 1, 1932.

First Lieut. James Franklin Greene, Infantry, from February 1, 1932.

First Lieut. Harold Farnsworth Hubbell, Signal Corps, from February 1, 1932.

First Lieut. Charles Maze Simpson, jr., Signal Corps, from February 1, 1932.

First Lieut. Albert Milton Pigg, Signal Corps, from February 1, 1932.

First Lieut. Everett Roy Wells, Signal Corps, from February 1, 1932.

First Lieut. Arnold Richard Christian Sander, Infantry, from February 1, 1932.

First Lieut. Stanley Marshall Prouty, Infantry, from February 1, 1932.

To be first lieutenants

Second Lieut. Joseph Halversen, Infantry, from January 28, 1932.

Second Lieut. Marvin Westlake Peck, Infantry, from February 1, 1932.

Second Lieut. George Albert Smith, jr., Infantry, from February 1, 1932.

Second Lieut. Eugene Charles Smallwood, Coast Artillery Corps, from February 1, 1932.

Second Lieut. James Robert Davidson, Infantry, from February 1, 1932.

Second Lieut. Frank Freeman Miter, Coast Artillery Corps, from February 1, 1932.

Second Lieut. John Prichard Woodbridge, Field Artillery, from February 1, 1932.

Second Lieut. Thomas Edward de Shazo, Field Artillery, from February 1, 1932.

Second Lieut. Kenneth Frease March, Infantry, from February 1, 1932.

Second Lieut. Frederick Francis Scheiffler, Coast Artillery Corps, from February 1, 1932.

Second Lieut. Robert Sylvester Nourse, Infantry, from February 1, 1932.

Second Lieut. Richard Edward O'Connor, Field Artillery, from February 1, 1932.

Second Lieut. John Sieba Roosma, Infantry, from February 1, 1932.

Second Lieut. John Anthony McFarland, Field Artillery, from February 1, 1932.

Second Lieut. Morris Robert Nelson, Air Cirps, from February 1, 1932.

MEDICAL CORPS

To be lieutenant colonel

Maj. Henry Blodgett McIntyre, Medical Corps, from January 15, 1932.

DENTAL CORPS

To be major

Capt. Rufus Wood Leigh, Dental Corps, from January 28, 1932.

VETERINARY CORPS

To be captain

First Lieut. Ernest Eugene Hodgson, Veterinary Corps, from February 2, 1932.

PROMOTION IN THE PHILIPPINE SCOUTS

To be captain

First Lieut. Oscar Blair Tudor, Philippine Scouts, from January 28, 1932.

CONFIRMATIONS

Executive nominations confirmed by the Senate, February 5, 1932

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY TO GREAT BRITAIN

Andrew W. Mellon, of Pennsylvania, to be ambassador extraordinary and plenipotentiary to Great Britain.

SECRETARY IN THE DIPLOMATIC SERVICE

Sydney G. Gest to be secretary in the Diplomatic Service.

FOREIGN SERVICE OFFICER, UNCLASSIFIED, VICE CONSUL OF CAREER, SECRETARY IN THE DIPLOMATIC SERVICE

Holmes C. Smith to be Foreign Service officer, unclassified, vice consul of career, secretary in the Diplomatic Service.

REGISTER OF THE LAND OFFICE

George C. Crom to be register of the land office, Gainesville, Fla.

COAST GUARD

Robert C. Sarratt to be lieutenant commander.

POSTMASTERS

ARKANSAS

Louis Reitzammer, Arkansas City.
Little Watson, Batesville.
Claus R. Burnham, Delight.
Larkin A. McLin, Harrisburg.
James L. McKamey, Imboden.
Jessie Garner, Kingsland.
Adolph O. Border, Knobel.
Urelle O. Thomasson, Leachville.
Elmer A. Murphy, Lepanto.
James F. Rieves, Marion.
James L. Willson, Moro.
Burnard O. Phelps, Okolona.
Ernest N. Goldman, Peach Orchard.
Leah W. Harkey, Plainview.
William J. Vick, Prescott.
Pauline Prescott, Rosston.
Reuben P. Allen, Smackover.
William H. Hogg, Stephens.
Carleton H. Denslow, Stuttgart.
Charles E. Kemp, Trumann.
Leonidas G. Fitzpatrick, Wynne.

DISTRICT OF COLUMBIA

William M. Mooney, Washington.

GEORGIA

Paul L. Smith, Athens.
Charles L. Adair, Comer.
John L. Callaway, Covington.
Irene W. Field, Monroe.
Jett M. Potts, West Point.

IDAHO

Elsie H. Welker, Cambridge.
George W. Prout, Council.
Mabel P. Wetherell, Post Falls.

INDIANA

Samuel Ratcliff, Bainbridge.
Fred Austin, Birdseye.
Roy J. Lingeman, Brownsburg.
Walter R. O'Neal, Carlisle.
Elizabeth Hatfield, Centerville.
James Adams, Chrisney.
Finley Franklin, Clayton.
Jessie H. Medcalf, Dale.
Frank B. Hadley, Danville.
Elvin R. Long, Denver.
Walter J. Daunhauer, Ferdinand.
George F. Freeman, Franklin.
Charles W. Wood, Jasonville.
Dora B. Henderson, Lakeville.
Katherine M. Schwindler, Linden.
John F. Trimble, Morristown.
Leslie P. Nelson, Newport.
Almeda B. Lochard, North Madison.
Edmond M. Wright, North Salem.
James H. Cockrum, Oakland City.
Gerry E. Long, Porter.
James E. Turner, Roann.
Charles E. Noble, Rolling Prairie.
George A. White, Union Mills.
Orville C. Bowen, Upland.

KANSAS

Frank B. Myers, Americus.
Maurice W. Markham, Baldwin City.
Mattie L. Binkley, Brewster.
Arthur B. Fowler, Brookville.
Harry B. Gailey, Cambridge.
George G. Griffin, Clearwater.
Harvey E. Yenser, Delphos.
Nelson Crawford, Dodge City.
Carl E. Meyer, Enterprise.
John M. Erp, Grainfield.
Robert R. Carson, Hamilton.
Lewis S. Newell, Harveyville.
Lewis B. Blachly, Haven.
Walter A. Carlile, Jamestown.
Earl M. Boland, Leon.
Joseph C. Wolf, Macksville.
Harvey P. McFadden, Natoma.
Charles C. Andrews, Norcatur.
Rosa M. Harmon, Oil Hill.
Wayne E. Burnette, Parsons.
Earl R. Given, Randall.
Gilbert W. Budge, St. John.
David R. Price, Williamsburg.
Clarence O. Masterson, Wilmore.
Zella M. Swope, Zenda.

KENTUCKY

James W. Felkins, Albany.
Aaron E. Younger, Columbus.
Henry W. Bishop, Falmouth.
Richard S. Hinton, Flemingsburg.
Ransome B. Martin, Hartford.
Vee O. Chandler, Marion.
William H. Knox, Mount Sterling.
John B. Hutcheson, Owenton.
Wayne Williams, Owingsville.
Chris L. Tartar, Somerset.
Bettie K. Wyatt, Valley Station.

MICHIGAN

Arthur R. Ebert, Arcadia.
William Bowers, Central Lake.
Clarence B. Meggison, Charlevoix.
Floyd Andrews, Clarkston.
Frank E. Richards, Clarksville.
Wilbert L. Nelson, Daggett.
William A. Stroebel, East Jordan.
Stanislaus M. Keenan, Eloise.
Adrian J. Van Wert, Essexville.
Clara Woodruff, Freeland.
Byron D. Denison, Galien.
Benjamin Rankens, Hamilton.
W. DeMont Wright, Harbor Springs.
Earl E. Secor, Imlay City.
Floyd J. Gibbs, Ithaca.
Orville Dennis, Lake City.
John A. Gries, Laurium.
Mac W. Thomas, Lawrence.
Frederick R. Gibson, Lawton.
Edna B. Sargent, Levering.
Nettie B. Goheen, Lincoln.
Fay Elser, Litchfield.
Tena I. Barrett, Mackinaw.
Frank G. Lesson, Manchester.

Mark L. Osgood, Monroe.
William A. Keeler, North Branch.
Dee J. Wilson, Orchard Lake.
Albert Steinen, Painesdale.
William C. Mosier, Paw Paw.
William C. Miller, Pinckney.
Edward W. Huff, Rock.
Fred H. Buckberry, Romulus.
Gordon R. Whitney, Rose City.
Ernest E. Vibert, Saginaw.
Hannibal A. Hopkins, Saint Clair.
Gertrude Moffatt, Sandusky.
Edwin D. Greenhoe, Sheridan.
Nora Covert, Springport.
Martin C. Musolf, Towas City.
Alexander M. MacKay, West Branch.
Floyd P. Fox, Williamsburg.
Arthur E. Baisley, Wyandotte.

NEBRASKA

Elza Ury, Chapman.
Gustav A. Koza, Clarkson.
Albert L. Hepp, Greeley.
Lynn F. Cunningham, Gurley.
Elmer W. Couch, Henry.
Merle A. Brady, Kimball.
Edmund J. Barrett, Lawrence.
Otto C. Smith, Lyman.
James Nichols, Madison.
Dean H. Ehle, Newcastle.
Harry B. Chronister, Schuyler.
Charles M. Steil, Scribner.
Roy Hauke, Shelton.
Clyde H. Hodges, Superior.
Claude A. MacDonald, Sutton.

NEVADA

James L. Denton, Caliente.
Henry J. Marriott, Ely.
Fred L. Littell, Yerington.

NEW HAMPSHIRE

Adin R. Chapman, Berlin.
Harry L. D. Severance, Claremont.
Frank E. Webster, Farmington.
May F. Sumner, Goffstown.
Maurice H. Randall, Haverhill.
Jesse C. Parker, Hillsboro.
Harriet O. Harriman, Jackson.
Charles L. Bemis, Marlboro.
Arthur J. Gould, New London.
Harold B. Pinkham, Newmarket.
Stella E. Coburn, North Rochester.
Ernest H. Stevens, North Woodstock.
Herman P. Gleason, Ossipee.
Harry F. Smith, Peterboro.
Joseph P. Conner, Portsmouth.
Esther F. Bragg, Seabrook.
Harvey E. Gates, Troy.
James A. Reed, Union.

OHIO

Lloyd D. Carter, Akron.
Franklin Fasig, Arlington.
Howard M. Snedeker, Bellaire.
Fred O. Simpson, Belle Center.
Henry Kemper, Bellefontaine.
Charles A. Bower, Bowerston.
John Roth, Excello.
Wilber C. Foote, Fredericktown.
Alonzo B. Yarnell, Freeport.
Charles F. Faris, Hillsboro.
Harry H. Hover, Lakeview.
Heyward Long, Martins Ferry.
Jerry F. Koster, Mayfield Heights.
Leonard H. Kelly, Mount Vernon.
William M. Johns, Plymouth.
Alta N. Johnson, Rushsylvania.
Rodney Barnes, St. Clairsville.
James A. Downs, Scio.
Edna M. Gilson, Steubenville.
Mayme Bell, Utica.
Mattie M. Beeson, Vandalia.
Milton W. Stout, West Liberty.
Margaret A. Brooks, Yorkville.

OKLAHOMA

James W. Lewis, Ada.
James K. Malone, Allen.
Clyde O. Thomas, Arapaho.
John R. Hibbard, Asher.
R. Julian Miller, Bokchito.
Vernon A. Farmer, Broken Bow.
Maud W. Cassetty, Calvin.
John R. McIntosh, Chelsea.
James W. Blair, Clayton.
Downey Milburn, Coweta.
John W. Brookman, Coyle.
Dory E. McKenney, Custer.
Clarence E. Werrell, Depew.
Leroy J. Myers, Dustin.
Thomas H. Henderson, Fort Cobb.
John W. Dagenhart, Gage.
Lynn F. McDonald, Goodwell.
Pauline I. Beardsley, Gracemont.
Walker D, Guthrie, Granite.
Frederick M. Deselms, Guthrie.
June M. Jarvis, Haileyville.
James H. Sparks, Healdton.
Isom P. Clark, Heavener.
Alfred J. Canon, Hinton.
Jean C. Buell, Holdenville.
Louia M. Amick, Jefferson.
James L. Lane, Kiowa.
Lyle H. Ball, Laverne.
Lura Williams, Manitou.
Marshall G. Norvell, Marietta.
Harry Andrews, Marland.
Elinore Jett, Nash.
Bruce W. Hutton, Oakwood.
L. Manuel Merritt, Roff.
Otto G. Bound, Ryan.
Elmer D. Rook, Sayre.
Harold F. Facker, Shamrock.
Jonas R. Cartwright, Shattuck.
Alvin L. Derby, Shidler.
Howard Morris, Soper.
Floyd A. Rice, Strong City.
George F. Benge, Tahlequah.
George Logsdon, Taloga.
Emil G. Etzold, Temple.
William A. Vassar, Tryon.
Severee L. Massie, Tyrone.
Sol A. Glotfelter, Verden.
Bertha A. Wolverton, Wapanucka.
William C. Wallin, Watts.
Fred Hudson, Webb City.
William C. Colvin, Westville.
Sarah E. Goodwin, Wirt.
Orland H. Park, Wright City.

OREGON

Leslie B. Frizzell, Houlton.
Pauline W. Platt, Ontario.
Henry H. McReynolds, Pilot Rock.
Cora Eames, Warrenton.
Nels C. Nielsen, Wendling.

PENNSYLVANIA

Annabelle Busler, Avis.
Otis J. Pandel, Burnham.
Thomas W. Greer, Carnegie.
Hope B. Sterner, Dewart.
Claus H. Fechtenburg, Eddington.
Henry M. Stauffer, Leola.
Ethel H. Higgins, Linwood.
Albert W. Watts, McVeytown.

William J. Lytle, Mayview.
Ralph E. Ruhl, Millmont.
Albert R. Harris, Mount Carmel.
William E. Henry, Nazareth.
Ralph M. Galvin, New Brighton.
Charles J. Hanley, Newtown Square.
Raymond R. Strickler, Perryopolis.
George E. McGlennen, Sharon Hill.
Gordon C. Kuhns, Trevorton.

SOUTH CAROLINA

Caleb F. Pendleton, Cheraw.

TENNESSEE

John P. Gallaher, Ashland City.
John L. Harris, Bethel Springs.
John V. Lady, Blountville.
Mamie D. Phillips, Brighton.
Joel F. Ruffin, Cedar Hill.
Lavella Bratschi, Erin.
William T. McCown, Fayetteville.
Charley M. Mount, Franklin.
Stephen H. Bedwell, Friendship.
John F. Gaines, Gainesboro.
Harry K. Dodson, Kenton.
John J. Graham, Knoxville.
Ernest C. Lowery, Leoma.
Elmer T. Sparks, McKenzie.
Hugh G. Haworth, New Market.
Colpy Upton, Obion.
William S. Weatherly, Puryear.
Chester A. Scott, Selmer.
Cyrus L. Fairless, Trenton.
Thomas E. Richardson, Tullahoma.
William E. Hudgins, Union City.

TEXAS

Anderson J. Hixson, Abbott.
Ethyl H. Williams, Angleton.
Ernest E. Cornelius, Athens.
Jefferson D. Bell, Bartlett.
Joe B. Carter, Beckville.
Antonia R. Garcia, Benavides.
Edith M. Bursey, Brackettville.
Gertrude N. Merrill, Buffalo.
Claude F. Riley, Canton.
David A. Young, Commerce.
Bradley Miller, Coolidge.
Eugene Webb, Corrigan.
Vivian B. Boone, Fabens.
William N. Moore, Fort Worth.
Nora C. McNalley, Godley.
Lenora Baade, Gulf.
Cass B. Rowland, Hamlin.
Clara C. Redford, Johnson City.
Harman Straub, La Feria.
Alfred W. Orr, Livingston.
John B. Vannoy, McLean.
Paul Fomby, Maud.
Joel D. Cranford, Mineral Wells.
James M. Cottle, Moran.
Beulah W. Carles, Muleshoe.
Joseph F. Wiles, Olton.
Nora M. Kuhn, Paige.
Willie L. Kennedy, Putnam.
Andrew J. Bushong, Rankin.
John M. Cape, San Marcos.
William A. Farek, Schulenburg.
Clara M. Bean, Van Horn.
Joe Burger, sr., Wharton.
Alphonso S. Butler, Winona.

WASHINGTON

Eliza F. Head, Cathlamet.
Florence F. Cooper, Long Beach.
Anna M. Robertson, Montesano.
Charles A. Fiedler, Newport.
Alvin R. Lehmann, Parkland.
John W. Cowdrey, Rainier.
James Lane, Roslyn.
Charles M. Perkins, Seattle.
Warren P. Cressy, South Bend.

HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 5, 1932

The House met at 12 o'clock noon.

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

Almighty God, our Heavenly Father, Thou hast created us by the mystery of Thy holy might. Do Thou preserve us by the mystery of Thy holy providence and redeem us by the mystery of Thy holy love. May our desires be hallowed as we lift them up to Thee. Give us a deeper understanding of the real meaning of life and a clearer assurance of the spiritual depths of our own beings. Thy riches are unsearchable and Thy promises are sure and steadfast; we therefore praise Thee. So work in us that new confidence shall spring forth throughout our land, and may faith in our institutions be heralded from border to border. Let Thy merciful restraints and Thy wise compulsions be our guide this day, and may the jewel of peace crown our hearts at evening time. 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 the following resolution:

Senate Resolution 159

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. PERCY E. QUIN, late a Representative from the State of Mississippi.

Resolved, That a committee of 10 Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now adjourn.

The message also announced that pursuant to the foregoing resolution the Presiding Officer had appointed Mr. HARRISON, Mr. STEPHENS, Mr. ROBINSON of Arkansas, Mr. REED, Mr. BROUSSARD, Mr. MCKELLAR, Mr. NORRIS, Mr. BLACK, Mr. PATTERSON, and Mr. LONG members of the committee on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 160

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. SAMUEL RUTHERFORD, late a Representative from the State of Georgia.

Resolved, That a committee of 10 Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now adjourn.

The message also announced that the Senate had agreed ing resolution the Presiding Officer had appointed Mr. HARRIS, Mr. GEORGE, Mr. FRAZIER, Mr. FLETCHER, Mr. BROOKHART, Mr. SMITH, Mr. KEAN, Mr. BYRNES, Mr. DAVIS, and Mr. AUSTIN members of the committee on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House to the bill (S. 355) entitled "An act providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration), to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 355. An act providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration), to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes. authorizing an appropriation therefor, and for other purposes; and

S. 2334. An act to amend section 3 of the rivers and harbors act, approved June 13, 1902, as amended and supplemented.

EXEMPTING BUILDING AND LOAN ASSOCIATIONS FROM BEING ADJUDGED BANKRUPTS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent for the reconsideration of Senate Concurrent Resolution 13, which is on the Speaker's desk.

The SPEAKER. The gentleman from Michigan asks for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 13

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to return to the Senate the enrolled bill (S. 2199) entitled "An act exempting building and loan associations from being adjudged bankrupts."

Mr. STAFFORD. Mr. Speaker, under a reservation of objection, I wish to inquire whether the gentleman has any information as to the reason why this simple bill, a bill extending exemption features to building and loan associations, is desired to be recalled from the President?

Mr. MICHENER. Yes. A very important reason. The enrolling clerk in the Senate made a mistake in enrolling the bill and used the word " of " instead of the word " or," and the bill is recalled for the express purpose of correcting that error of the printer.

Mr. STAFFORD. So there is no militant objection to the fundamental principle involved?

Mr. MICHENER. Hardly.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

PROHIBITION LAW ENFORCEMENT

Mr. CLANCY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of law enforcement.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CLANCY. Mr. Speaker, when the American Legion convention denounced the eighteenth amendment in Detroit last fall as a breeder of corruption and hypocricy and disrespect for law, it might well have had particularly in mind the activities of the collector of customs office, in Michigan.

By a strange freak of the eighteenth amendment, the collector of customs in Michigan has been made the most powerful police chief in the State and has been given the powers of a czar and a tyrant. This is so much so that the office has even arrogated to itself the right to promulgate and enforce fake Federal laws, and arrest and fine innocent citizens under these fake laws. Every schoolboy knows that the supreme law of the land, the Constitution, reserves only to Congress and the President the right to make Federal laws.

Prohibition law enforcement since the passage of the eighteenth amendment has been a national scandal, which has led many good citizens and innumerable public officials to criticize the United States Government because of the odium and disgrace brought upon it.

Nowhere in the country has prohibition law enforcement been more brutal, lawless, and unjustifiable than under the administration of the collector of customs office in Detroit and under the United States customs border patrol before the latter service was taken over by the collector of customs' office.

DISHONOR AND DISHONESTY

Last October during the discussion of the latest shooting outrage in Detroit, I publicly stated, " No public officials in Michigan, nor to my knowledge in any other State, are so scornful of American public-service standards of honor, honesty, and common decency as the Michigan collector of customs office is in its prohibition-enforcement activities."

I challenge any defender of this office to name any United States officials who deliberately invented and enforced fake laws for the purpose of persecuting and terrorizing American citizens.

Yet this is just what the collector of customs office in Detroit did not long ago. I have not been able to determine whether the impersonation of Congress and the Presidency of the United States and the promulgation and enforcement of fake laws is a crime or not, because Congress has probably never had to face this offense before but if it is a crime, the assistant collector of customs at Detroit, Walter S. Petty, is guilty of that crime.

Last year I asked for his removal from the service or his transfer from Detroit because he promulgated fake laws, persecuted and terrorized innocent citizens under them, and actually arrested and fined a reputable citizen of Detroit under a fake law.

FINED UNDER FAKE LAW

I compelled the return of this fine and the clearing of the name of the good citizen, but Assistant Secretary of the Treasury Seymour Lowman has so far shown an attitude to whitewash Mr. Petty just as in the past he has demonstrated his set policy of whitewashing Federal officials accused by the States of crimes and deeds of violence in which innocent citizens were grievously injured or slain.

This recital forms only a part of the sordid and sinister background of prohibition law enforcement on the Detroit front.

There is now a case pending in which the lawlessness of the heads of the collector of customs office in Detroit is again clearly demonstrated.

Collector of Customs H. A. Pickert, Assistant Collector of Customs Walter S. Petty, and a few other of the highest officials of this staff in Detroit secretly formed a conspiracy on or about Sunday, September 20, 1931, to violate two Federal laws—a State law and a Treasury Department regulation.

A CRIMINAL CONSPIRACY

On September 20 Frank Ramsay, who gave his address as 22 Josephine Avenue, Ecorse, which is a suburb of Detroit, was shot in the chest in broad daylight by a customs border patrolman.

The evidence showed he had been transporting 18 cases of beer from Canada, and was shot while unloading the beer on Grosse Isle, just below Detroit. The shooting occurred just after another sensational shooting case on July 21, 1931, when a customs border patrolman, Clarence E. Fish, fired several shots into a large excursion steamer which was on a moonlight ride on the Detroit River, carrying several hundred men, women, and children of a Detroit church society.

A VILLAINOUS APPEAL

One of the innocent passengers was seriously wounded by the bullet. In spite of an enraged public opinion aroused against brutal and reckless shooting of innocent persons and against the warnings of his companion in the United States patrol boat, Fish had fired several times into the large excursion steamer. On January 29, 1932, Fish was convicted in a United States court of assault and battery for this offense, and on January 30 he was fined $100 by the Federal judge. The case had been forcibly taken from the State courts over the protest of Prosecuting Attorney Harry S. Toy and Assistant Prosecutor George Fitzgerald and was tried in a Federal court. Notwithstanding the state of public opinion in Detroit, Assistant United States District Attorney William G. Comb announced he would appeal the conviction to the higher Federal court in Cincinnati.

I am now vigorously protesting the United States Government's disgracing itself further by this appeal.

A SECRET SUNDAY PLOT

Because the collector of customs office feared to face public opinion in another shooting case, and because this office evidently feared the disclosure would tend to prevent further shooting by border patrolmen and the endangering of lives of innocent men, women, and children, the collector of customs office in a secret meeting at a dock on Sunday afternoon, September 20, decided to break all necessary Federal laws, State laws, and Treasury Department regulations covering the case, and keep the commission of a felony of rumrunning and the shooting of the rum runner a dark secret.

TOY PROVES HONEST AND FAITHFUL

I revealed the whole plot to the prosecuting attorney of Wayne County, Harry S. Toy, and he took vigorous action. By the way, Mr. Toy has established a reputation as Michigan's greatest prosecutor. At high personal risk to his own life he has hunted down and sent to prison for life terms the most notorious gunmen, killers, and gangsters of Michigan, some of whom attained national notoriety because of their bold and sensational murders. I prove this by including a part of his record at the end of this statement.

Fortunately, Mr. Toy has also made it a principle to uncover still more dangerous offenders against organized society and good government, namely, brutal and lawless prohibition-enforcement officials who do not hesitate to act as accessories before the fact to encourage the shooting of innocent men, women, and children, and who act as accessories after the fact to whitewash guilty prohibition agents and save them from penalties of the law provided for such crimes.

Mr. Toy investigated my charges and verified them, although Mr. Pickert and Mr. Petty fought desperately against uncovering their crimes and endeavored to falsify their way out of the conspiracy.

Now, just what were these crimes and violations of law and regulations?

FEDERALS BREAK LAW

First. The Federal conspirators violated the Federal law requiring that the commission of such felonies must be reported to the United States district attorney. The Federal conspirators quashed the felony which the rumrunner Ramsay had committed by running across the Federal boundary the 18 cases of beer. They forced Ramsay to agree to their disposition of the case by threatening to send him to prison for a long term if he did not agree. They tried to get a large sum of money from him as a fine; but when they found that all he could produce was $240, they set aside 5 cases of the 18 cases of beer and assessed him $2 a bottle for it and thereupon took the $240. They ignored the other 13 cases as a part of the felony.

This was a breach of law and the compounding of a felony when the collector of customs office acted secretly as United States district attorney, Federal jury, and Federal judge in settling the case in this way.

They expressly violated the statute which required the reporting of the felony to the United States district attorney. This violation made Mr. Pickert, Mr. Petty, and the other customs officials involved subject to arrest, fine, and imprisonment.

This principle is very clearly set out in Federal cases, including that, I am informed, of United States against Sullivan, in which Sullivan, a Federal prohibition officer, had failed to report the commission of a felony to the United States district attorney but had settled the case himself, as was done by the collector of customs' officials in the Ramsay case.

BREAK SECOND LAW

The conspirators planned the second breach of Federal law when they forced the admission of Ramsay to the United States marine hospital at Windmill Point in Detroit. Ramsay had a bullet wound in his chest and was shot while he was in the water trying to pull his boat off the shore and escape. An effort was undoubtedly made to shoot him in the back, as most persons shot under the prohibition régime and which have become national scandals have been shot; but when one bullet struck near him as his back was turned to the agent, Ramsay whirled to look at his assailant and another bullet plowed sidewise through his chest for about 5 inches.

Instead of taking Ramsay, a wounded man, to the nearest hospital, the agents were in a panic, as is generally the case, and feared disclosure. In some shooting cases agents have dropped the citizen who is shot at a hospital and then fled, refusing to give their names. But after a conference it was decided to transport Ramsay a long distance, at least 20 miles, across the entire city of Detroit, and they passed many hospitals, until he was deposited in the United States marine hospital.

A congressional law provided explicitly just what cases may be treated at a United States marine hospital, and the treatment of Ramsay was strictly forbidden as a law violation by this statute, which provided that only qualified war veterans, qualified sailors, and a few minor groups of United States employees and officials could be treated at a United States marine hospital, which is supported by Federal taxation and fees paid by sailors.

ENTERED FOR SECRECY

That the treatment of Ramsay at the hospital was clearly the result of a conspiracy is indicated by the fact that the superintendent of the marine hospital wrote on Ramsay's chart and card of admission "Entered for secrecy purposes."

I persuaded the superintendent of the hospital to let me read this card and I saw this notation written on it very clearly.

Ramsay was brought to the hospital by one of the customs officials and was treated in the first instance by having his wound cut open, cauterized, and dressed and was treated at this hospital for a few weeks thereafter.

FEDERALS DEFY STATE LAW

Third. A State law was broken by the conspirators, and this law provided that in shooting or stabbing cases or in wounds inflicted by violence a report must be made to State or local law officers. For obvious reasons the conspirators failed to comply with this law and the case was never reported to the State's law officers until I did so myself.

HOSPITAL DOCTORS GUILELESS

There was no desire on my part nor that of the prosecuting attorney's staff of Wayne County to send the superintendent of the United States marine hospital to prison, because he evidently thought he was doing an act of mercy in treating a wounded man and did not fully realize that he was being made an accessory to a conspiracy and being made a malefactor or a criminal by treating Ramsay secretly. The hospital authorities at first were unwilling witnesses and said that Ramsay was not treated in the hospital, but outside the hospital. Later they admitted this was untrue and that he had been treated in the hospital frequently. At first they refused to testify to the prosecuting attorney, but later receded from this position.

The prosecuting attorney did not recommend warrants for the violation of the State law requiring the report of treatment by a doctor or a hospital of a man injured by personal violence.

PICKERT AND PETTY DEFY SUPERIORS

Fourth. The Federal conspirators violated a Treasury Department regulation of the highest importance and one whose compliance has been emphatically insisted upon by high Treasury Department officials in other cases. This regulation provided that in the case of a shooting of any person by a customs employee or official the details must be forwarded to the Commissioner of Customs in Washington within 24 hours, and preferably by telephone or telegraph instead of by letter.

Both Mr. Pickert and Mr. Petty have been specifically warned and scolded by the Collector of Customs, Hon. F. X. A. Eble, for not complying with this important regulation in other cases, although Mr. Petty was the chief offender and Mr. Pickert was involved as a defender of Mr. Petty's course. Mr. Eble, over the telephone, talking in my presence, scolded Mr. Petty for not reporting to the Bureau of Customs the details of a case in which Gordon Southard and another border patrolman were instrumental in bringing

about the death of A. M. Smith, of Grosse Isle, whose boathouse on his own property was forced without a search warrant and who was drowned as a result of a struggle with Southard and the other border patrolman.

DASTARDLY CRIMES UNREPORTED

This case brought severe criticism upon the collector of customs office, and it was not reported by the Bureau of Customs as required by the regulations. In another case Southard had gone upon Canadian territory and shot a Canadian citizen; and although the collector of customs office in Detroit had a detailed report of this shooting, it refused to comply with the regulations by giving the details to superior officials in Washington.

It is true that the superior officials of the Customs Bureau in Washington are very emphatic in their orders against reckless and promiscuous shooting and endangering the lives of innocent men, women, and children by such shooting, and that their policy is directly opposed to that of the collector of customs office of Michigan, which boldly takes the attitude, as expressed by Mr. Pickert, that in the enforcement of any law some innocent persons must be shot.

DISTRICT ATTORNEY WHITEWASHES

The United States district attorney's office at Detroit, which has always been very quick and zealous to defend customs border patrolmen when they are guilty of wrongdoing in violence cases, had detailed knowledge of the violations of Federal law by collector of customs officials in Detroit in the Ramsay case.

Detroiters have waited patiently since last October for the United States district attorney's office to take some action to bring these officials of the collector of customs office to justice, but for some reason, best known to themselves, they have failed to do so.

A NOBLE PROSECUTOR

In no better way can the corruption and hypocrisy of the collector of customs office be shown than by presenting in detail the record of Prosecuting Attorney Harry S. Toy in upholding the law and in meting out to malefactors and criminals even-handed justice.

Mr. Toy has done this at the very risk of his life and in the face of threats of the most notorious gunmen that they would kill him if he prosecuted them or their confederates.

Mr. Toy has also resisted the tremendous political pressure of some of the most prominent bankers and business men, whom he has sent to jail for bank frauds.

This is in direct contrast to the record of the collector of customs' office, which has evidently feared the political power of the Anti-Saloon League, and particularly that of the Rev. R. N. Holsaple, superintendent of the Michigan Anti-Saloon League, who has always counseled directly or indirectly the collector of customs' office and the United States district attorney's office to protect and whitewash malefactors and criminals when they committed their misdemeanors and crimes in the guise and under the hood of the prohibition enforcement laws.

Inasmuch as these Federal prohibition enforcement officials and Reverend Holsaple have criticized Mr. Toy for upholding the State laws and guaranties of local self-government thrown around innocent men, women, and children, he should be congratulated by every good citizen for his attitude.

AN ABLE ASSISTANT

Particularly is he to be congratulated for assigning the able and experienced Assistant Prosecuting Attorney George S. Fitzgerald to represent his office in contests with the collector of customs and United States district attorney's staff. Mr. Fitzgerald served for a few years as assistant United States district attorney himself, and he knows the hard-boiled attitude of some officials of the Federal Government with regard to the whitewashing of misdemeanors and crimes when committed by the prohibition enforcement staff, and he is particularly familiar with the tricks and weapons employed to defeat justice, such as the concealment of vital evidence, the tutoring of the guilty agents and supporting witnesses as to the story they shall tell on the stand, the selection of a favorable jury, and so forth.

Mr. Toy's marvelous record serves not only the purpose of affording a contrast between good and bad police officials and enforcement agents but it also shows to the country the striking record which Detroit has made in the matter of law enforcement in its crusade to make life, limb, and property secure for all its citizens.

It is a fitting answer to all the abuse that has been heaped upon Detroit by the Anti-Saloon League and Federal prohibition enforcement officials who have proclaimed from time to time that they are "making war on Detroit."

Mr. Toy's record of prosecutions is as follows:

MAJOR CRIMES FOR 1931

Murder

Raymond Bernstein, Harry Keywell, Irving Milberg (three victims), life sentences.
Nick Dellabonte, Frank Salimone (two victims), life sentences.
Mark Sellers, John Moceri (one victim), life sentences.
Morris Raider, Philip Keywell (one victim), life sentences.
Angelo Livecchi, Ted Pizzino (two victims), life sentences.
Rose Verez, William Verez (11 victims), life sentences.

Kidnapings

James Fernando, Vincent Lamonna, Jerry Mullane, 30-year sentences; Charles Minchelli, Ray Cornelius, 25-year sentences; Harry Hallissey, Louis Ross, 35-year sentences.

Stock frauds

Vincent Swinny, obtaining money under false pretenses, sentenced to 7½ to 15 years.

Bombing

Joseph Pantano, Joseph Bonasera, John Radin, bombing of bakery, sentenced each 10 to 25 years.

Bank robbery

Frank Cammaratta, robery, armed, sentenced 15 to 30 years.

Bank frauds

Robert Allan, 10-year sentence; George Kolowich, 10 to 20 years; Samuel Mullens, 5 to 20 years; Jack Sweedyk, 1 to 20 years; Albert Schobert, 5 years' probation; Steve Kapczi, 5 years' probation; Horace Reosti, 5 years' probation; William Edward Wright, 2½ years' sentence; Ottillio DiLaura, Orlando DiLaura, sentenced to 2½ years each; Alex Lewis, sentenced to 7½–10 years; Louis McCormick, sentenced to 2½ years.

A PROTEST TO JUSTICE DEPARTMENT

FEBRUARY 3, 1932.

Hon. WILLIAM D. MITCHELL,
The Attorney General,
Department of Justice, Washington, D. C.

MY DEAR GENERAL: Assistant United States District Attorney William G. Comb, of Detroit, is taking steps to appeal the conviction of Customs Patrol Inspector Clarence E. Fish for assault and battery on charges of shooting an innocent excursionist aboard a large steamer in the Detroit River while Fish was pursuing an alleged rumrunner.

Federal Judge Charles C. Simons imposed a fine of $100 on Fish after Fish was declared guilty by Federal jury.

Press dispatches report that the court held up execution of the sentence one week, granted 30 days in which to apply for a new trial and 60 days in which to file a bill of exceptions. Press dispatches also announced that the Government intends to take an appeal.

This case is a very sensational one, as Fish was charged with firing several shots into a large excursion steamer running a moonlight party out of Detroit under auspices of a local church and with several hundred men, women, and children aboard the boat. Arthur Gajeski was leaning on the railing of the excursion steamer with his right arm folded across his chest, and the border patrolman put a large bullet into his forearm and the bullet would have entered his chest and probably killed him if it were not for the arm being in the way.

Hon. Harry S. Toy, prosecuting attorney of Wayne County, promptly arrested Fish and his partner in the name of the State and endeavored to bring him to trial in the State courts, but the Federal authorities intervened and took the case away from the State courts, and the trial was had in the Federal court, with the conviction result.

I contend that the United States Government is taking the wrong course in appealing the case of a convicted man.

I realize that there is a statute passed in reconstruction days to cover a condition of practically armed revolt in the Southern States after the Confederate Army laid down their arms, and that prohibition authorities are now using this statute to take violence cases away from the State courts when the prohibition agent or enforcement officer commits an alleged offense on duty.

Strenuous complaint has been made by public officials in various parts of the country against the use of this Federal statute to overthrow the State courts in cases of local misdemeanors and crimes, because many of these public officials believe, with good cause, that the Federal courts undertake to whitewash guilty agents, but when the Federal authorities go to the extreme of taking the case away from the State courts and, nevertheless, a conviction is returned, all presumption of the innocence of the accused is removed. He is then a convicted malefactor or convicted criminal. I have never been able to find a precedent in

which the United States Government defended a convicted criminal or convicted malefactor.

I realize that lawyers can raise the technicality that the accused is not convicted while the execution of the sentence is held up or a stay is granted, but nevertheless for practical purposes, Fish had an absolutely fair trial and was duly convicted.

I understand the Federal judge quashed the charge preferred by the State of Michigan of felonious assault and allowed the jury only to consider a charge of assault and battery. Moreover, I understand that the maximum sentence for assault and battery is 90 days imprisonment and $100 fine, whereas the judge assessed merely the $100 fine. Certainly the Federal judge in question has never been accused of being unfriendly to prohibition-enforcement officers.

About five years ago he was the trial judge in the celebrated Benway-Neidermeier case in Detroit. Benway, a Federal border patrolman, shot an innocent old letter carrier in the back with a rifle bullet at the distance of only a few yards, the letter carrier, Neidermeier, being in a duck skiff at the time and not carrying any liquor and not having the appearance of carrying a load of liquor or beer in his open duck skiff.

It looked very much like a case of manslaughter at least, but the United States Government bent every effort to whitewash Benway and sent one of its best trial lawyers from the Department of Justice in Washington to aid the United States district attorney's staff in Detroit to clear Benway.

The jury returned a verdict of felonious assault, carrying a sentence of six months' to three years' imprisonment. Judge Simons imposed the minimum sentence—six months—and Government officials said they would appeal to the higher court.

At that time I interposed an objection and I challenged the Government to show any case in which a convicted criminal had been defended by the United States Government.

Thereupon the Government officials dropped their effort to appeal, and the Michigan Anti-Saloon League paid the expenses of the appeal to the Cincinnati district court and to the United States Supreme Court. Two prominent Anti-Saloon League backers went on Benway's bond during the two years which the two appeals took, and when the conviction was sustained, both by the Cincinnati court and the United States Supreme Court, Benway was compelled to serve his six months.

In its accounting of receipts and expenditures for that period, the Michigan Anti-Saloon League published as one of its expenses the handling of the appeal in the Benway case.

Moreover, I am informed that in a recent case, when the collector of customs and another Federal official of Duluth, Minn., were convicted in the local Federal court, the Government would not take the appeal but the collector of customs and the other Federal official had to pay the expenses of the appeal.

There is much general indignation in the country that the United States Government should defend Federal officials who kill or injure innocent citizens and who are arrested by State officials and that the United States Government should forcibly take away the cases from the State courts.

There is still a greater indignation when the United States Government not only pays the expenses of an appeal when the man is convicted of wrong doing but also compels the State to pay the expenses of contesting the action.

I contend that it is not good public policy for the Government to take such appeals, and I hereby ask your department to cite me the provisions of law under which such appeals can be taken and to cite me also any precedents in which the United States Government in similar cases has taken such appeal.

I understand that the United States district attorney's office at Detroit, before going on with the appeal, must take up with your office, first, the reasons for the appeal, and cite the evidences of an unfair trial; and second, must ask for a specific allotment or appropriation of money for the appeal.

I may also add that there is a long history, so far as I am concerned, behind my opposition to taking such cases away from State courts and placing them in the Federal courts, and that after an argument with Dr. J. M. Doran, who was formerly handling a prohibition-enforcement division of the Government, Doctor Doran did turn over the case of Prohibition Agent Jeff Harris to the State courts in Oklahoma.

Mr. Harris went on a farm in Oklahoma without a search warrant and killed two farmers, and when tried in the State courts he got 50 years in prison.

Moreover, within recent weeks Col. Amos Woodcock, of your department, allowed the State courts in two States to prosecute prohibition agents who had killed citizens. If I recall clearly, one of these cases was in California and the other was in Alabama.

I respectfully request that under the circumstances you instruct the United States district attorney's office at Detroit that they must not conduct an appeal to the higher courts in the Fish case.

With highest esteem, I am respectfully yours,

ROBERT H. CLANCY.

A PROTEST TO CUSTOMS BUREAU

FEBRUARY 4, 1932.

Hon. F. X. A. EBLE,

Commissioner Bureau of Customs, Washington, D. C.

MY DEAR COMMISSIONER: Yesterday I sent you a copy of my protest to Attorney General William D. Mitchell on the proposed appeal by the United States Government of the conviction of Customs Patrol Inspector Clarence E. Fish for assault and battery in shooting an innocent excursionist by reckless use of firearms, and for which offense he was fined $100 by Federal Judge Charles C. Simons, of Detroit.

I sent you this protest because I hoped you would use your good offices and not allow your bureau to be placed in the position of recommending or aiding and abetting the defense of a convicted malefactor from whom all presumption of innocence was removed by his jury conviction.

There can be no reasonable doubt but what Fish got a fair trial. If anything, he was favored by the Federal judge, who quashed the charge preferred against him by the State of Michigan of felonious assault which would have brought heavier punishment. As I pointed out in my letter, the maximum penalty for assault and battery was 90 days and $100 fine, and Fish was merely given $100 fine.

I am also protesting in this letter against the action of the collector of customs, Hon. H. A. Pickert, of Detroit, in keeping Inspector Fish on duty with firearms on his person after the State of Michigan arrested him and preferred charges of felonious assault and assault and battery and the reckless use of firearms, some of which charges might have been incidental to one another.

There is much history, especially on the Detroit front, with regard to this policy of suspensions.

First, there is a Treasury Department regulation providing that a customs employee or official may be suspended at the discretion of superiors when charges are preferred against him; and if proved innocent upon trial, he may be paid for the loss of his salary during the time he was suspended.

This regulation shows the reasonable basis for suspension; but on the Detroit front, which has really been a battle front for many years, as one hard-boiled prohibition-enforcement official after another has tried to bear down on the innocent as well as the guilty with blood-and-iron policy, I was instrumental in winning in past years both from the collector of customs and from the chief of the United States immigration force in Michigan a guaranty to the people that a customs border patrolman or an immigration inspector who was arrested by the State on charges of reckless use of firearms and the wounding or killing of an innocent person should be suspended immediately. His reinstatement would depend upon his innocence or guilt.

In the case of customs, the former collector of customs, Hon. Carey D. Ferguson, issued very emphatic orders about which there could not be the slightest doubt that when one of his men were arrested by State authorities and a trial was asked, the man would be suspended until further notice. Collector Ferguson also issued, largely because of the terrific indignation of the people of Detroit and because I pressed for the regulation, an order that these agents and inspectors and employees should not use their firearms to shoot at suspected persons unless their own lives were in danger by the suspected person having the appearance of drawing a gun or using other force, or when the Federal agent was warding off an attack on seized property.

Because of the habit of the Federal agents lying in shooting cases and saying that they were shooting in the air or in the water to compel a halt, or were shooting at a gasoline tank or at the tire of an automobile, or that they fell down and the revolver or rifle was accidentally discharged, Collector Ferguson emphasized to his men that shooting under no circumstances, and especially not to warn or intimidate, would be tolerated unless the agent's life were in danger or he was warding off an attack on seized property.

When the present collector of customs took office, this policy of protection of the life and limb of innocent men, women, and children was violently thrust aside, and as a result, there have been some terrible shooting cases.

The present collector overthrew the regulation about the suspension of customs agents and, in defiance of the enlightened public opinion of Detroit, he has kept Fish on duty with firearms since the shooting into the big pleasure steamer and, even since the conviction of Fish, has announced to an indignant State that he would keep Fish on duty and thus, of course, give Fish the opportunity to again shoot innocent persons.

Incidentally, the Federal trial court showed that the partner of Fish, Walter Weslowski, warned him at the time of the shooting to stop firing in the direction of the pleasure steamer.

I respectfully request you to notify me if it is proper, according to civil-service laws and the rules and regulations of your bureau and the spirit thereof, to keep a convicted malefactor on duty with arms on his person, particularly when that man has been convicted of the reckless use of firearms and has shot and wounded an innocent citizen.

In conclusion, may I call your attention to the fact that because of the attitude of the chief of the United States immigration border patrol at Detroit, which is directly contrary to that of the collector of customs at Detroit, there has been no shooting of innocent persons by immigration border patrolmen in the past few years and since the new orders on shooting and suspensions were issued, whereas before that there were several cases of shooting by immigration border patrolmen.

I believe the Immigration Service has more armed men on the Detroit front doing night and day duty than the Customs Bureau. I am informed there are 141 United States immigration border patrolmen working out of the Detroit office, and also that the Detroit office has been made the headquarters for the United States immigration patrol on the Canadian border.

Experience proves on the Detroit front that shootings of innocent persons take place only when the head of the patrol force

seems to encourage them. For instance, when Colonel Hanlon, during the years 1926 and 1927, when he was the head border patrolman under Gen. Lincoln Andrews, told his men to get tough, to quit using "pea shooters," that is smaller revolvers, and to carry rifles and heavier service revolvers, it was inevitable that some of the weaker-minded border patrolmen were going to shoot recklessly, and as a result there was plenty of shooting.

The absolutely unjustified shooting in the back of the innocent old letter carrier, Neidermeier, could be traced to Colonel Hanlon's orders, and the colonel boldly said to me when I protested his orders: "Plenty of people around Detroit are going to get shot if they don't stop when my men holler at them."

At this time the border patrolmen were not in uniform, and a grave question could always be raised as to whether a "holler" could be heard by the citizen.

In the case of Neidermeier, he was operating a noisy outboard motor on a duck skiff, and, moreover, the old man might have been hard of hearing.

As a result of Colonel Hanlon's hard-boiled attitude it was rather an easy matter to have him fired out of Michigan and his job given to a more intelligent person.

With highest esteem, I am, respectfully yours,

ROBERT H. CLANCY.

PRINTING HOUSE DOCUMENTS

Mr. STEVENSON. Mr. Speaker, I want to explain, as some Members do not seem to understand, the matter of printing. Some Members do not understand why when they ask unanimous consent to have a matter printed as a public document that request is not complied with. Every year the appropriation bill carries the provision that the printing for the use of Congress must be upon a report made by the Committee on Printing, stating what the cost of it will be. So that sometimes Members ask unanimous consent to get a matter printed as a House document. It does not become a House document immediately, because they must first introduce the resolution and send it to the Committee on Printing, and that committee must make a report of what the cost will be, in order for it to be printed. I just wanted to make that explanation.

Mr. BANKHEAD. Will the gentleman yield?

Mr. STEVENSON. I yield.

Mr. BANKHEAD. I noticed in the paper this morning some comments with reference to a report that had been made to the Senate or to the House with reference to a great number of unnecessary documents being printed by the Public Printer. Is that report available to the Members? I think there are many of us who would like to see what the report states with regard to it.

Mr. STEVENSON. I am not familiar with that report. It has not been brought to my attention; but while I am on my feet, permit me to say that I do not want to be apparently discriminative in making an objection to something that was carried in the RECORD on day before yesterday. I call attention to the fact that in the RECORD of yesterday afternoon the offense was repeated by other people, publishing radio addresses, six pages of them, matters not germane to what was being discussed in the other body, and this morning there are 14 pages. That is a total of 20 pages, at $50 a page, printed in the RECORD, just because they could do so. They are utterly without interest to most of us in Congress.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. STEVENSON. I yield.

Mr. SMITH of Idaho. Why does the gentleman refer to a unanimous-consent permission to print something in the RECORD as an offense?

Mr. STEVENSON. I am not referring to it as an offense. I am calling attention to the fact that the other body is loading up the RECORD with stuff that costs $50 a page, at the rate of about 10 pages a day, or about $500 a day in radio addresses and things of that nature.

Mr. SMITH of Idaho. But it is not an offense against any rule or any law.

Mr. STEVENSON. We are attempting to correct the RECORD in the House and keep it within bounds, and I am just directing attention to it.

FUNERAL SERVICES OF THE LATE PERCY E. QUIN

Mr. BUSBY. Mr. Speaker, I have been requested to announce that the funeral services of our late colleague, Representative Quin, will be held this afternoon at 2 o'clock at his home, 2647 Woodley Road.

I make this announcement so that those desiring to attend the services may have an opportunity to do so.

RESOLUTION OF INQUIRY

Mr. HOWARD. Mr. Speaker, I now move that the committee in charge of House Resolution 123 be discharged from further consideration of the resolution and that the resolution be presently considered.

The Clerk read the resolution, as follows:

House Resolution 123

Resolved, That the President of the United States be, and he is hereby, respectfully requested to transmit to the House of Representatives a list of the names of all persons who certified to the President one Harvey W. Couch as a member of the Democratic Party, and who urged the appointment of said Couch as an official of the Reconstruction Corporation, provided the divulging of such information shall not, in the judgment of the President, be inimical to the best interests of the Republic, and shall not be distressing to those persons who recommended the appointment of the aforesaid Couch.

Mr. STAFFORD. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Has this resolution been in the committee for more than seven days?

Mr. HOWARD. Oh, yes.

The SPEAKER. The Chair is informed that the resolution has been before the committee eight legislative days.

Mr. STAFFORD. Then I withdraw the point of order that I intended to raise.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. The motion of the gentleman from Nebraska was to discharge the committee and for the immediate consideration of the resolution.

The SPEAKER. The committee must be discharged before the resolution can be considered.

Mr. MAPES. Mr. Speaker, I reserve a point of order against the resolution. I would like to state that the provision in the resolution which makes some reference to the mental distress of anyone deprives the resolution of any privileged character which it might otherwise have.

Mr. BLANTON. Mr. Speaker, I make the point of order that the gentleman's point of order comes too late, there having been discussion. There was discussion by the gentleman from Wisconsin [Mr. STAFFORD] and discussion by the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The Chair thinks that there were parliamentary inquiries made rather than discussion on the motion. Does the gentleman from Michigan make the point of order or reserve it?

Mr. MAPES. Yes; I make the point of order that the resolution is not privileged.

Mr. SNELL. Mr. Speaker, may we have the resolution again reported?

The SPEAKER. Without objection, the resolution will again be reported.

There was no objection.

The Clerk again read the resolution.

The SPEAKER. Does the gentleman from Nebraska desire to discuss the point of order?

Mr. HOWARD. Mr. Speaker, I would like to be heard on the point of order, but as a matter of courtesy I think the gentleman from Michigan should state his point of order. I have not heard it.

Mr. MAPES. Mr. Speaker, I make the point of order that the President has no means or way of passing judgment upon the question as to whether this information is going to contribute to the mental distress of anyone. In fact, it is impossible for anyone to determine that question; and if anyone attempted to do so, it should be merely an expression of opinion. It is unnecessary to add that to that extent the resolution requires an expression of opinion and does not call for facts or information, and so far as that particular clause is concerned the resolution is not privileged. The nonprivileged character of the resolution is so apparent that I take it that it is not necessary to argue it or to do any more than to call the attention of the Speaker to it.

Mr. LAGUARDIA. Mr. Speaker, may I be heard against the point of order?

The SPEAKER. The Chair will hear the gentleman.

Mr. LAGUARDIA. I do not believe the language in the resolution brings it within the inhibitions which have been applied to the rule permitting the discharge of a resolution of inquiry. Where any extraneous matter is inserted, where any act is required or any opinion is required, then, surely, it comes within the decisions; but here is the simple and usual limitation as to whether or not it conflicts with the public interest and whether or not the official desires to avail himself of that, with the additional requirement, which does not go to the gist of the resolution, that may permit him to refuse the information.

Mr. SNELL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SNELL. I would agree with the gentleman if the gentleman stopped after the word "Republic," but under the last two lines it will be absolutely necessary for the President to use some discretion before he could comply with the request of the committee.

Mr. LAGUARDIA. He could avail himself of the refusal to comply if he believed it would be distressing.

Mr. SNELL. To make this resolution absolutely privileged, it must ask for facts and nothing more.

Mr. LAGUARDIA. That is all it does.

Mr. SNELL. The language goes farther than that.

Mr. LAGUARDIA. We would not be arguing the point of order if the resolution stopped where the gentleman suggests.

Mr. MICHENER. Mr. Speaker, may I add a word?

The SPEAKER. The Chair will hear the gentleman.

Mr. MICHENER. The gentleman from New York is correct in saying that the resolution is in due form up to a certain point; but if we are to believe what the newspapers say, this man, Mr. Couch, was recommended by certain high officials in our legislative bodies, and I am certain that the House does not want to do anything that will distress those high officials. The wisdom of this appointment seems to be in question, else the resolution would not have been brought forth, and if this man was recommended by high officials in our legislative bodies, the President can hardly have information as to whether these gentlemen will be distressed or not.

Mr. LAGUARDIA. If it is limited to the legislative bodies, then it does not come within the inhibitions at all.

Mr. MICHENER. But the President must determine whether or not, in his opinion, this will be distressing to the men who recommended this appointment.

Mr. LAGUARDIA. There is where the sponsors of the point of order are in error. It does not ask the President to decide whether it would cause distress, but it permits him to refuse on that ground.

Mr. MICHENER. The President would have to make an investigation to determine whether or not it will be distressing.

Mr. LAGUARDIA. Not at all.

The SPEAKER. The Chair will hear the gentleman from Nebraska on the point of order.

Mr. TILSON rose.

Mr. HOWARD. Mr. Speaker, I yield to the gentleman from Connecticut.

Mr. TILSON. Mr. Speaker, this point of order may not be an important matter so far as this particular resolution is concerned, but it seems to me that the Chair's ruling may become quite important hereafter as a precedent. If the letter of this resolution does not call for an opinion, then I am not able to read understandingly the English language.

The SPEAKER. Permit the Chair to state to the gentleman from Connecticut that the Chair had occasion to examine this resolution, knowing it was going to be called up, and the Chair is prepared to rule on the point of order. The Chair, however, desires to give the gentleman from Nebraska an opportunity to be heard on the point of order.

Mr. HOWARD. Mr. Speaker, I am holding myself in abeyance.

Mr. Speaker, I insist that this resolution is strictly in harmony with the practice heretofore, so far as the decisions are concerned. If it called for an opinion I would instantly recognize the point of order, but it does not.

Mr. Speaker, I notice that gentlemen from Michigan, several of them, are taking the position that this calls for an opinion. They seem to fear the effect of the rendering of an opinion by President Hoover. I suggest that the Michigan delegation hold a caucus and get better acquainted with the mind of the present physical occupant of the presidential chair. Mr. Speaker, he is a man of gentle mood and mein. I drew the resolution in manner so as to give that great sympathy of his free rein to run—to run out to those who had certified this man Couch for appointment and to hold their names under the safe seal of secrecy if in his judgment the garish light of publicity might distress them. I speak now from the standpoint of a modest Democrat. I stand here as a member of the Democratic Party, demanding the right to know the names of those persons who carried to the President of our country their indorsement of this man, Couch, and certified him as a member of the Democratic Party.

Mr. RAGON. Will the gentleman yield for a question?

Mr. HOWARD. Oh, yes; two of them.

Mr. RAGON. I do not know where the gentleman got his information that Mr. Couch is not a Democrat.

Mr. HOWARD. The gentleman from Arkansas is even speedier than the gentlemen from Michigan. I have never listed Mr. Couch as to political affiliation.

Mr. RAGON. I may have misunderstood the gentleman, but I understood him to say that he is not a Democrat.

Mr. HOWARD. Oh, no.

Mr. RAGON. I can assure the gentleman that he is.

Mr. SIMMONS. Will my colleague from Nebraska yield?

Mr. HOWARD. Oh, I yield.

Mr. SIMMONS. A number of us over here are in sympathy with the resolution——

Mr. HOWARD. I know it.

Mr. SIMMONS. But we are puzzled by this question. By what yardstick could the President determine whether or not a matter is distressing to a Democrat? [Laughter.]

Mr. HOWARD. I would rather say, offhand, although I am not officially informed, but I would rather say that he would employ the yardstick of either Andrew Mellon or Ogden Mills. [Laughter.]

Now, Mr. Speaker, this is privileged matter. Here is a man certified to the President of the United States as a member of the Democratic Party and indorsed for appointment to one of the most important posts within the gift of the President in this hour. I think it is about time that the House of Representatives should assert itself, and, whenever occasion shall demand, ask respectfully such information as can be obtained only from the President of the United States. I do not want to see this House run on, year after year, alienating one after another of its functions, and supinely submitting to an executive form of government entirely. I think the resolution is entirely proper, and I trust it may be adopted.

The SPEAKER. The Chair is ready to rule.

In 1913 one of the first rulings made by Speaker Clark was on a resolution of this kind, and, so far as the Chair is able to ascertain, the philosophy of that ruling of Speaker Clark has been followed up to this time. The Chair will read his language for the information of the House.

Speaking of the resolution before the House at that time, Speaker Clark made these remarks:

> The practice in regard to a resolution of this kind is this: That it is in order if it calls for facts only or information only. It does not make any difference which one of the two words is used, but it is out of order if it calls for an opinion or an investigation.

The resolution now before the House calls for facts and then concludes with this language—

> And shall not be distressing to those persons who recommended the appointment of the aforesaid Couch.

The President would have to make an investigation to determine whether it was distressing to any person. The

Chair thinks that then the President, on the basis of the investigation, would have to formulate an opinion concerning the distress that might be caused to certain persons. So the resolution calls for both an investigation and an opinion, which is violative of both precedents laid down by Speaker Clark.

The Chair thinks the point of order is clearly well taken and sustains the point of order.

Mr. LANKFORD of Virginia. Mr. Speaker, I ask unanimous consent to proceed out of order for one-half minute.

THE PRIVATE CALENDAR

The SPEAKER. To-day has been set aside as Private Calendar day, and the Chair would dislike to see the House get into the realm of discussion.

The order of the House to-day is that bills on the Private Calendar, unobjected to, shall be considered in the House as in Committee of the Whole. The Clerk will call the first bill on the Private Calendar.

FRANKLIN D. CLARK

The Clerk called the first bill on the Private Calendar, which was H. R. 927, for the relief of the estate of Franklin D. Clark.

The SPEAKER. Is there objection?

Mr. BACHMANN. I reserve the right to object.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to proceed for five minutes on the bill without waiving my right to object.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes without waiving his right to object. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, this bill seeks to grant to the estate of the deceased soldier the pension money that was deferred and taken over by the Board of Managers while the deceased testator was an inmate of the National Home for Volunteer Soldiers.

The report is predicated on the idea that there has been no decision made on the various statutes involved.

Back in 1892 a provision was carried on an appropriation bill which authorized the Board of Managers to take the pension money belonging to an inmate, if there was no widow, minor children, or dependent father or mother surviving, and use it for the benefit of the post fund.

Mr. BACHMANN. And if no will was made.

Mr. STAFFORD. I have stated that. In 1910 we passed a further law, general in nature, that the personal property of an inmate of the soldiers' home should be transferred to the Board of Managers for use of the home.

Mr. COCHRAN of Missouri. The gentleman is making a statement that is not supported by the act. Will the gentleman yield?

Mr. STAFFORD. Not at present. The report states that there has been no decision on this question construing the various sections. I call the attention of the Committee on Expenditures in the Executive Departments to a decision of Durack et al. against National Home for Disabled Volunteer Soldiers, decided November 8, 1930, by the circuit court of appeals of the United States, where this very question of construing the statutes was involved.

It was an appeal from the lower court, presided over by a former Member of this House, a distinguished lawyer from Maine, the Hon. John A. Peters. It was there held that it was the purpose of Congress not to allow this pension money to be transferred from their control by any inmate, unless there was a widow, minor children, or dependent father or mother. Let me read to you from the last paragraph of the decision. It is found in the Forty-fourth Federal Reporter, page 516, second series. May I read the last paragraph of the decision, the unanimous opinion of the circuit court of appeals?—

> As to any balance of pension moneys unapplied for his benefit at the time of his death, Congress directed it to be paid into the "post fund" only in case there were no widow, minor children, or dependent parents. The reason for the difference in the class of persons entitled to receive before the "post fund" should be benefited is too obvious to require comment.

That is the record of the court of appeals final word on this subject, negativing the right to take this from the post fund. Mr. Speaker, I reserve the right to object.

[Here the gavel fell.]

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, I stated to the gentleman from Wisconsin that he only read part of the act of 1910. While he did read a few lines in that act, he failed to say that where the deceased left no heirs at law or next of kin, or will, the property reverted to the home.

Now, this veteran, and the report shows he was a veteran, because if he had not established this he would not have been able to enter the home, did leave relatives and, further, he left a will. It does not matter to me what the decision of the court of appeals says, the fact is in cases of this character where the veteran left a will it was clearly the intent of Congress in enacting the law of 1910 that the relatives, and not the home, were to receive the personal property of the veteran. No court of appeals can justify any other interpretation of this law, and anyone with common sense who reads the law will come to the conclusion that such was the intent of Congress.

I again call the attention of the House to the fact that this veteran left a will and asked in that will that the little money he had on deposit in that home be given to his dependents, and there were dependents, and there are dependents to-day. Not only relatives but dependents. Our committee held a hearing on this bill that lasted two days in the last Congress and brought General Wood, of the Soldiers' Home, before the committee. The committee was unanimous in the opinion that this money should go to the heirs of the soldier.

Mr. BACHMANN. And is it not also a fact that this money was undrawn pension money which belonged to him, and which was his own personal property?

Mr. COCHRAN of Missouri. Part undrawn pension money and part of it was other savings placed on deposit. It was the veteran's personal property, and the soldiers' home or the United States Government had absolutely no right to the money at all.

Mr. STAFFORD. Is it not a fact that under the regulations prescribed by the Board of Managers these pension moneys ever since 1902 and before have been transferred actually into the control of the Treasury, and if there are no immediate heirs surviving they revert to and are held by the Board of Managers for the post fund?

Mr. COCHRAN of Missouri. Beyond question the board of managers has done so, but it had no right to make such a rule, no right to this money. Are a daughter and a son not classed as immediate heirs? In cases where there are no immediate heirs, then the home should get the money, but such was not the case here.

Mr. STAFFORD. I say to the gentleman that we should pass not a special act, singling out some favorite beneficiary, but if this rule is to obtain, then we should pass a general law that will apply to all similarly situated.

Mr. COCHRAN of Missouri. If the intent of Congress was properly construed by the Board of Managers of the Soldiers' Home, this would not be necessary. The home wanted to grab everything, no matter whether there were immediate heirs or will. Our committee has no jurisdiction when it comes to a general law. If it had, we would have reported such a bill. Now and then let us interpret the intent of Congress. This bill should certainly pass.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLANTON. At least there ought to be a report from the War Department on the service of this man, and I think with respect to every one of these bills there should be a report. There is none in this case.

I call the attention of my colleagues to the fact that it is necessary for them to watch some of these private measures to a certain extent. On the first day of this Congress when bills could be introduced, which was on December 8, 1931, our good friend from California, Mr. CRAIL, who is energetic and ambitious, introduced 393 bills and resolutions. One of these measures (H. J. Res. 78) seeks to take out of the Treasury $5,000,000,000. If every member of the House had introduced as many bills on that day as our friend from California [Mr. CRAIL], there would have been introduced on that one day 169,955 bills. So gentlemen can see that it is necessary that we should watch these matters and give some attention to them; otherwise, instead of having a $2,000,000,000 deficit in the Treasury, we will have a deficit that no amount of drastic taxation upon the people can ever make up.

Mr. HARE. Does not the gentleman think the Members of the House are conscious of their duty and obligation to be vigilant in these matters, without having it brought to their attention?

Mr. BLANTON. Did the gentleman know that there had been 393 bills introduced on one day by one Member, one of them involving $5,000,000,000?

Mr. HARE. But they have not been brought to the attention of the House.

Mr. BLANTON. A good many of them are on this calendar, and the calendar is growing all the time.

Mr. HARE. The gentleman will be here to take care of them when they come up.

The SPEAKER. The time of the gentleman from Texas has expired. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

MELISSA ISABEL FAIRCHILD

The next business on the Private Calendar was the bill (H. R. 4390) for the relief of Melissa Isabel Fairchild.

The SPEAKER. Is there objection?

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object, this is another private bill which seeks to extend relief this time to a constituent of the gentleman from Idaho [Mr. SMITH]. Mr. Speaker, we find ourselves to-day in identically the same position that we were in in the closing days of the last Congress. One Member with practically no study overriding the report of one of your committees by a single objection.

Members of this House have been practically assured that they were going to have some kind of an opportunity to vote on an amendment to our rules that would permit a fair discussion of bills that are reported by committees of this House. I do not want to filibuster. I have never made a point of no quorum in this House except upon one occasion and that was in order to get a vote on an important question. However, I see absolutely no use of proceeding here to-day when one Member is going to object to a bill simply because there is not a report from the War Department or for some other minor reason. Instead of wasting our time here to-day, I think it would be wisdom to set aside the business of to-day by unanimous consent and take up other business until the Committee on Rules has brought in the amendment to the rules upon which they have held hearings and give every one of these bills an opportunity to be heard under that new rule, if it is adopted.

Mr. Speaker, I therefore ask unanimous consent that the Private Calendar be set aside to-day and not be called until the Rules Committee has reported upon the amendment to the rules it is now considering.

The SPEAKER. The gentleman from Missouri asks unanimous consent to set aside the business of to-day. Is there objection?

Mr. SMITH of Idaho. I object.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection, and the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to Melissa Isabel Fairchild, widow of Seymour Fairchild, deceased, on desert entry, Blackfoot, Idaho, No. 037882, entered by him on November 8, 1917, for the northeast quarter of the southwest quarter, and southeast quarter of section 8; east half of the northeast quarter and northeast quarter of the southeast quarter of section 17, all in township 9 south, range 14 east, Boise (Idaho) meridian.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

THOMAS C. LAFORGE

The next business on the Private Calendar was the bill (H. R. 4145) for the relief of Thomas C. LaForge.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Thomas C. LaForge, Crow allottee No. 1257 for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BENJAMIN SPOTTEDHORSE AND HORSE SPOTTEDHORSE

The next business on the Private Calendar was the bill (H. R. 4150) authorizing issuance of patents in fee to Benjamin Spottedhorse and Horse Spottedhorse for certain lands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Montana if the passage of this bill will mean any expense upon the Government?

Mr. LEAVITT. None at all.

Mr. BACHMANN. Will the gentleman explain what the situation is?

Mr. LEAVITT. The situation is that these two Indians have been declared entirely competent and have proven themselves to be in the handling of their own affairs. They have some land that is restricted, upon which they have asked to have the restriction removed so that it can be sold to enable them to improve other lands which they own elsewhere on the reservation.

Mr. BACHMANN. The gentleman is confident there will be no expense?

Mr. LEAVITT. I am confident there will be no expense, as has been conclusively shown by experience.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

H. R. 4150

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Benjamin Spottedhorse, Crow allottee No. 1335, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and described as the northeast quarter and east half of northwest quarter section 16, township 8 south, range 32 east, comprising 240 acres.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Horse Spottedhorse, Crow allottee No. 1336, for land allotted to her under the provisions of the act of June 4, 1920, supra, and described as the west half of northwest quarter section 16, township 8 south, range 32 east, comprising 80 acres.

Mr. SCHAFER. Mr. Speaker, I move to strike out the last word, and I ask unanimous consent to speak out of order for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER. Mr. Speaker, I desire to briefly address the Members on the question of the existing rules of the House, under which the Private Calendar is considered.

I have been a member of the Committee on Claims for a number of years, and the new members of that committee as well as the older members know that the individual members of the Claims Committee must necessarily devote a great deal of time to the consideration of the many bills

referred to that committee. First, the bills are referred to a subcommittee, which carefully studies the evidence presented. Then the subcommittee reports to the full committee, where the bills are discussed pro and con in the committee meeting, and action is taken thereon by the whole committee.

During the last Congress the Committee on Claims alone favorably reported hundreds of meritorious bills, and they were placed on the Private Calendar. If the existing rules are not changed, whereby one Member of the House, perhaps because of personal animosity or perhaps to make a record for himself, as he sees it, can prevent the consideration of a Claims Committee bill, I will not as a member of the Committee on Claims devote hours and hours and days and days to considering the private claims bills and have them favorably reported by a unanimous motion of the committee, and then die on the calendar the way they have in the past.

I also desire to call another matter to the attention of some of my Republican colleagues from Wisconsin, the self-styled crusaders against gag rules, the self-styled 100 per cent supporters of liberal rules. We who have read the newspapers published not only in the State of Wisconsin but through our Nation can not but reach the conclusion that some of my Republican colleagues from the State of Wisconsin have been posing as champions of liberalization of the House rules and vicious foes of gag rules. When the rules for this session were considered in the House, the Republicans had liberalizing amendments to offer, which amendments included an amendment to take care of the consideration of private claims bills, and those amendments could not be offered when the rules were considered because a Democratic leader moved the previous question, which was carried by the votes of the entire Democratic membership and a few Members elected on the Republican ticket. This motion cut off debate and prevented the offering of amendments.

Therefore private bills which have been favorably reported by a committee with a unanimous vote can not be considered by the House if one Member objects to their consideration.

This by reason of the fact that the Democratic Party, which in the past has claimed to be opposed to gag rule and in favor of liberalization of the rules, aided and abetted by a number of Republicans who have claimed that they were opposed to gag rules and in favor of liberalization of the rules, as shown by the roll-call record vote, voted for the most drastic and vicious gag rule that could be placed before you—the motion for the previous question on the adoption of the rules for this session. The motion having carried, debate was ended and no Member could offer an amendment. So, my good friends, if your meritorious bills are not enacted in this Congress due to the objection of one Member or because the rules relating to the Private Calendar were not liberalized, look at the roll call on that previous question vote and determine the responsibility.

[Here the gavel fell.]

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRAZOS RIVER HARBOR NAVIGATION DISTRICT

The next business on the Private Calendar was the bill (H. R. 6043) authorizing the Secretary of War to reduce the penalty bond of the Brazos River Harbor Navigation District, of Brazoria County, Tex., furnished as surety for its doing certain work on the improvement of Freeport Harbor, Tex.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I am sympathetically inclined to this bill and I simply wish to make one inquiry—that is, whether under the original authorization these contractors were obliged to perform any work as far as the maintenance of this project was concerned. I notice in the last paragraph the Secretary of War is authorized to relieve them of all bonded responsibility, even as to the expense of normal maintenance. Was that requirement a condition in the original authorization?

Mr. MANSFIELD. In reply to the gentleman from Wisconsin, I will say that the work performed at this place was not done by contract but by Government equipment in charge of a Government engineer. It consisted of diverting the Brazos River from a point 7 miles above its mouth so as to flow into the Gulf of Mexico 6½ miles west of its former mouth. The local interests were to put up all of the money that might be required over and above the $500,000 which Congress appropriated for the work. They put up, under the direction of the engineer, $550,000. It seems that $540,000 was sufficient to complete the work, and the Government now has $15,000 in cash which was left over.

Mr. STAFFORD. I have no objection to the reduction in the bond. I am only seeking to inquire whether in the organic act providing for this project this navigation district was required to maintain the project.

Mr. MANSFIELD. Under the original act they were required to do that, but it was modified so as to require them to maintain the river in its new bed, and for that purpose I believe a nominal bond should continue to be held over them.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to substitute Senate bill 2278, an identical bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War may, in his discretion, reduce the penalty of the bond executed April 27, 1928, by the Brazos River harbor navigation district, of Brazoria County, Tex., as principal and the National Surety Co. as surety, to insure the payment of the sum of $861,000 to such amount as in his opinion will cover any further contribution which may be required from the said Brazos River harbor navigation district in connection with the project for improvement of Freeport Harbor, Tex., authorized by the river and harbor act of March 3, 1925: *Provided*, That whenever the Secretary of War is satisfied that the said project has been completed and the works have become so stabilized that no further expenditures will be necessary other than normal maintenance, he may cancel said bond and release the said principal and surety from any obligation thereunder.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out the last word, and I will take only one or two minutes. I believe the RECORD should show that the so-called calendar conditions about which the distinguished gentleman from Wisconsin [Mr. SCHAFER] complains covers private bills only, and not public bills. A mere perusal of the calendar will show that these bills are for the relief of individuals, and the House is now considering these bills in the same way it has for many years.

I believe the gentleman from Wisconsin wants to be fair, and the RECORD should show that we did have a real, material, and substantial liberalization of the House rules in the beginning of the Seventy-second Congress. [Applause.] We have obtained a discharge rule which we believe is workable and practical. We have liberalized the calendar so as to move committees, and we are now in the middle of the list of committees although we have been but a few weeks in session.

The gentleman from Wisconsin well remembers when he first came to Washington and was one of the real progressives, although he now designates them otherwise; he has found by experience that it takes time to liberalize the rules, and I submit, when he complains of the vote on the previous question, that on the motion for the previous question he will find every Member in this House who has been fighting to liberalize the rules for many years voting for the previous question. I will tell why: Because we had sufficient and sad experience, and we knew that if we did not vote for the previous question there would be a combination of stand-patters on both sides that might have destroyed what we had obtained. I am sure the gentleman wants to be fair about that.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. The gentleman has offered a very weak-kneed defense for a vote in favor of the previous question, which prevented debate and which prevented the offering of amendments to the very motion to adopt the rules of the House.

Mr. LAGUARDIA. I will repeat that on that roll call the gentleman will find in the affirmative every true progressive, every true liberal, and the Members who for years were fighting for liberalization of the rules.

[Here the gavel fell.]

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill, H. R. 6043, was laid on the table.

NEAL D. BORUM

The Clerk called the next bill on the Private Calendar, H. R. 6347, for the relief of Neal D. Borum.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed, notwithstanding the provisions of the act of May 22, 1928 (45 Stat. 697), to credit the accounts of Neal D. Borum, special disbursing officer at the embassy of the United States at London, in the sum of $810.62, representing the amount paid by him for expenses incurred by a member of the delegation to the naval conference at London and his staff when they returned to the United States on a vessel of foreign registry.

Mr. PATTERSON. Mr. Speaker, I was busily engaged here at the moment. I want to say that under the circumstances I do not think we would be justified in making this appropriation. I therefore move to amend the bill by striking out "$810.62" and inserting "$500."

The SPEAKER. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PATTERSON: On page 1, line 7, strike out "$810.62" and insert in lieu thereof "$500."

Mr. LINTHICUM. Mr. Speaker, the gentleman from Alabama says he was not watching this bill at the time it was called. It is quite evident to me the gentleman has not read the bill at all.

Mr. PATTERSON. Mr. Speaker, if the gentleman will yield, I did not understand him.

Mr. LINTHICUM. I said I do not think the gentleman has read the bill.

Mr. PATTERSON. I certainly have read the bill.

Mr. LINTHICUM. Evidently the gentleman has not read the report.

This bill is not an appropriation. Admiral Jones, one of the commissioners to the naval disarmament conference at London was taken sick and was advised by his physicians to return to America for hospitalization at the earliest possible moment. So the Secretary of State asked him to return to America and ordered the disbursing officer, Mr. Borum, to purchase tickets and get him off on the very earliest steamer. The earliest steamer was the *Berengaria* of the Cunard Line, and the disbursing officer secured tickets for Admiral Jones and his secretary, a statement of which is found in the report, all of which amounted to $810.62. He paid this out of the funds of the disarmament commission of the United States. The *Berengaria* sailed on February 26. The American boat the *Americus* did not come into Southampton until the 27th, and it would take six days on the *Berengaria* to get him to New York and it would take nine days on the American ship to get him there. Therefore he returned on the *Berengaria*. He got off a day sooner. He saved three days in passage, and not only that but he was in such condition that he had to be carried aboard on a stretcher, and while the *Berengaria* came up to the docks the American ship only came into the channel, a very long distance away. So Borum paid this money out of these funds at the request of the Secretary of State. When it came to the Comptroller General, the comptroller would not allow it. Why? Because the *Berengaria* is not an American ship, and we have a law compelling these men to travel on American ships.

So Borum is now asking that the Comptroller General be instructed to allow him this payment of $810.62 in his accounts, which he had disallowed.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. STRONG of Kansas. It is very apparent that if the Government owes anything it owes the full amount of the bill.

Mr. LINTHICUM. Of course. This man Borum is an employee of the Government in the State Department. He was the disbursing officer who paid it, and unless the Comptroller General allows it, he loses it out of his own pocket, although he paid it out upon the instruction of the Secretary of State.

Mr. EVANS of Montana. And the Secretary of State is his superior officer.

Mr. LINTHICUM. Yes. I wish to say to the gentleman, in addition to answering him in the affirmative, that I am unalterably opposed to the men of our Government service traveling on other than American ships, and I have so informed the Secretary of State. The gentleman will notice that the delegates and personnel to the disarmament conference at Geneva have traveled on American ships altogether. In this case, however and it may so happen in some future cases that emergency demands that they travel on foreign ships. Admiral Jones was in a very bad state of health, requiring prompt and quick action, hence this bill which our committee has reported favorably under these conditions.

[Here the gavel fell.]

Mr. PATTERSON. Mr. Speaker, I rise in support of the amendment to make this observation. I think the House will note from the gentleman's own statement that we paid $810 to this admiral to get him to a hospital in America, although there were hospitals in London and treatment could have been had there. They paid $810.62 to get him to America four days earlier. That is the situation covered by this bill, and I hope my amendment will be agreed to.

Mr. LINTHICUM. And Admiral Jones is one of the finest men we have ever had in the Navy.

The SPEAKER. The question is on the amendment offered by the gentleman from Alabama [Mr. PATTERSON].

The amendment was rejected.

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

A motion to reconsider was laid on the table.

BERTA C. HUGHES

The next business on the Private Calendar was the bill (H. R. 3527) for the relief of Berta C. Hughes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Berta C. Hughes, widow of John H. Hughes, out of any money in the Treasury not otherwise appropriated, the sum of $500 in full satisfaction of all claims against the United States on account of the sale for alleged storage charges, not in fact due, by the Alaska Railroad Co. at Nenana, Alaska, on July 31, 1926, of a drilling outfit belonging to such John H. Hughes, deceased.

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

A motion to reconsider was laid on the table.

HARVEY K. MEYER

The next business on the Private Calendar was the bill (H. R. 6840) for the relief of Harvey K. Meyer, and for other purposes.

The Clerk read the title of the bill.

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent that the bill S. 2406, an identical bill, be substituted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of Harvey K. Meyer, superintendent and special disbursing agent at Colville Agency, Wash., for payments aggregating $312.67, made from tribal funds of the Spokane Indians to William S. Lewis, of Spokane, Wash., to reimburse him for travel expenses incurred in behalf of said Indians, as provided in his contract with them as their attorney, which payments were disallowed by the General Accounting Office for the reason as claimed that there was no authority of law therefor.

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

A motion to reconsider was laid on the table.

The House bill, H. R. 6840, was laid on the table.

WILLIE LOUISE JOHNSON

The next business on the Private Calendar was the bill (H. R. 799) to extend the benefits of the employees' compensation act of September 7, 1916, to Willie Louise Johnson.

The Clerk read the title of the bill.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

Mr. LANKFORD of Virginia. The gentleman from Wisconsin objected to the bill at the last session, and I submit that, although there is a conflict in the doctors' testimony, the man had worked in this yard for a year without missing a day. He was injured and died four days after that injury in great agony.

Mr. STAFFORD. I wish to say that I made a very close and thorough examination of this case at the last session, and I have reexamined the report within a few days. We find a statement of the United States Employees' Compensation Commission that he did not die as the result of this injury, but as the result of Bright's disease. You are purposing to legislate an enactment saying that he died as the result of this little accident, this little contusion on the face.

Mr. LANKFORD of Virginia. The statement was that it was aggravated and induced by this injury.

Mr. STAFFORD. The man was suffering from Bright's disease, and because of this little contusion you are saying that he died as the result of this accident. I can not subscribe to that conclusion.

Mr. BLACK. Mr. Speaker, the gentleman refers to one injury, the contusion on the face, but this man received a bodily injury besides. He died 17 days after the injury, and the coroner's jury found that his death was attributable to the injury. It is true that the doctors have reported otherwise, but the doctors evidently only made a facial examination of the man. The man actually suffered bodily injury.

Mr. STAFFORD. The finding of the coroner's jury was that he died of nephritis. I object.

HOWARD LEWTER

The next business on the Private Calendar was the bill (H. R. 808) for the relief of Howard Lewter.

The Clerk read the title of the bill.

Mr. EATON of Colorado and Mr. STAFFORD reserved the right to object.

Mr. EATON of Colorado. Mr. Speaker, I would like to ask the gentleman from Virginia [Mr. LANKFORD] if he has an amendment to the bill, providing that it shall not have any effect prior to the date of the passage of the act?

Mr. LANKFORD of Virginia. Yes; I have, and also with reference to attorney fees, although there is no attorney in the case.

Mr. STAFFORD. We are now confronted for the first time with a bill that seeks to grant compensation under the act of 1916 to a claimant who sustained injury prior to that in 1913. We have a great number of such instances.

I have been informed by a former chairman of the Committee on Claims, the gentleman from Massachusetts [Mr. UNDERHILL], that it has been the policy of Congress not to extend the provisions of the later act to those who received benefits under the former act, and bring them within the purview of these provisions, unless some very serious consequences are involved. We are now on the threshold of determining the policy of this Congress. In the closing days of the last Congress some of us who objected to some of these bills were subjected to the charge that we were not laying down the same policy as to all. I do not think we should extend the privileges of the 1916 act to claimants who suffered injury prior thereto and who have received benefits under the act of 1908, unless some very strong reason is given. This is not such a case, and I feel constrained to object.

Mr. BLANTON. Mr. Speaker, will the gentleman withhold that and yield to me for a moment?

Mr. STAFFORD. I will yield.

Mr. BLANTON. The distinguished gentleman from Wisconsin [Mr. STAFFORD] has been here a long time and has ably served on some of the most important committees of the House, including the Committee on Appropriations. During the last 150 years, at any time, have the rules been more liberal than they are now with respect to the consideration of this calendar?

Mr. STAFFORD. No. Not only are they more liberal now, but I may say that prior to eight years ago, as the Speaker well knows, because the distinguished Speaker entered the Congress at the same time that I had the privilege to enter it—29 years ago—it was the rule that the Private Calendar would be considered as to unobjected bills only about three nights during a session of Congress. In the last Congress we gave night after night to the consideration of this calendar and considered thousands of bills. Every bill was given consideration that had been reported up to within two weeks before the adjournment of the Congress. No one can say that the last Congress and the preceding Congress did not give the fullest consideration to private bills under the unanimous-consent procedure.

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

Mr. STAFFORD. Yes.

Mr. UNDERHILL. I am very much in sympathy with the remarks of the gentleman from Wisconsin [Mr. STAFFORD]. I think we are establishing a rather dangerous precedent in extending the privileges of the workmen's compensation act to claims arising prior to the time that it was enacted. At that time the debate in this House plainly showed that the Congress did not care to make the act retroactive. We had an act on the statute books which dated from 1908. We had no law previous to that time, and no claims were paid previous to that time except some claims growing out of the construction of the Panama Canal. I have some hesitancy and embarrassment in stating what ought to be the policy of the committee in the future, and I do not wish to be considered as attempting to lay down any policy for the new committee; but I make the suggestion to the chairman of the committee that if he starts in on this thing, he is going to bring to his committee and to Congress a tremendous lot of trouble, to plague him later on, because there are thousands and thousands of such claims, and the only honest and proper way to extend the provisions of the 1916 act to those who were injured prior to that time would be to pass general legislation and place them all on the same footing.

Mr. BACHMANN. Does the gentleman think there should be general legislation covering this subject?

Mr. UNDERHILL. I do not.

Mr. BLACK. Mr. Speaker, of course, the function of the Committee on Claims is to afford relief where the equities plainly require it, and where the law is against it. In this case, bringing the matter under the provisions of the 1916 act, we are trying to do justice in a particularly pitiable case, where a subsequent survey of a man's condition indicates that he was far more seriously affected by the injury than probably was thought in the beginning. This type of legislation probably should be considered in one bill, but in the absence of retroactive legislation, I think it is properly within the function of this committee, having this peculiar duty of affording relief in individual cases where the circumstances indicate it should be afforded, to go ahead and consider these bills. I do not want to invite any more work.

Mr. BACHMANN. If we are going to establish a policy on this one particular case, then, as far as I am concerned, I shall object to every such similar bill. There is no sense

in objecting to one bill and permitting another in the same situation to go through. If we establish the practice now of objecting, as the gentleman from Wisconsin [Mr. STAFFORD] has done, I expect to object for the same reason to similar bills.

Mr. BLACK. The Committee on Claims is legislating as to individuals in individual cases; it is not trying to set up any policy. The committee is trying to view the circumstances surrounding each case. The committee could have no settled policy.

Mr. BACHMANN. Is the committee considering general legislation in these particular cases?

Mr. BLACK. The committee is considering general legislation in tort cases, not in this class of cases.

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

Mr. BLACK. Yes.

Mr. UNDERHILL. Perhaps the gentleman is not aware that a similar bill was vetoed by one of our Presidents upon the ground I have set forth for the consideration of the committee.

Mr. BLACK. I thank the gentleman for his information. The President may have viewed the circumstances in a different light than would obtain here.

Mr. BLANTON. And there has not been a bill passed since then of this character.

Mr. BACHMANN. Does the gentleman from Massachusetts think in cases where extenuating circumstances are proved that the Committee on Claims will be warranted in reporting a bill setting a certain amount for the injury?

Mr. UNDERHILL. I am very much in sympathy with the contention of the chairman of the committee that the committee is justified in taking into consideration the equities of the case, but I do feel it would be a much better policy on the part of the committee, and would be less troublesome, if a specific sum were set, even though it is passed on to the Employees' Compensation Commission. It not only brings trouble to us but brings trouble to them.

Mr. BLACK. I think there is much in what the gentleman says.

Mr. STAFFORD. In view of the discussion, Mr. Speaker, I object.

RELIEF OF MORRIS DIETRICH

The next business on the Private Calendar was the bill (H. R. 1034) for the relief of Morris Dietrich.

The SPEAKER. Is there objection?

Mr. BACHMANN. Mr. Speaker, reserving the right to object, this is a bill along the same line except the case does not go to the Employees' Compensation Commission; but it is in the same category, and the gentleman from Wisconsin [Mr. STAFFORD] has not yet said a word about it. What is the disposition of the gentleman from Wisconsin where a specific amount is set in the case?

Mr. BLACK. Mr. Speaker, I ask that that bill be laid aside.

Mr. BACHMANN. Mr. Speaker, I object.

RELIEF OF ESTATE OF KATHERINE HEINRICH

The next business on the Private Calendar was the bill (H. R. 1130) for the relief of estate of Katherine Heinrich (Charles Grieser and others, executors).

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I object.

Mr. FRENCH. Will the gentleman reserve his objection?

Mr. PATTERSON. I will withhold the objection in order that my colleague may make his statement.

Mr. FRENCH. I think the gentleman will not object if he can be made acquainted with the facts in this particular case.

In this case Katherine Heinrich died in November, 1920. One year later an estate tax amounting to $790.30 was paid. Of this there is no question. There is no question that about a year later the executors received notice from the deputy internal-revenue collector that the amount paid was in excess of the amount due by some $494.84, and it was suggested that application be made for a refund. I now come to the point that I think is disturbing the gentleman: While application was actually made for a refund, unfortunately the attorney who transmitted the application did not register his letter. It can not be proven that the application was received by the collector's office. The executors of the estate made their application within the time fixed by law. In fact, application for refund was made more than two and a half years prior to the time within which, under the law, it could have been made. The executors supposed the delay was one of the normal delays that occur in Government procedure. They were so advised by their attorney. Relying upon that thought, they permitted the time to pass by without making further application until, four years having passed, they were told application came too late.

I have submitted affidavit from the attorney who prepared and transmitted the application for refund setting forth the fact that he did transmit the application. Claimants in this case were not negligent and I do not know what evidence we can furnish to demonstrate that application for refund was actually made well within the time required by law. Surely the claimants are not at fault.

Mr. STAFFORD. Will the gentleman yield?

Mr. PATTERSON. I yield.

Mr. STAFFORD. I think this case differs from those where a claimant for a refund of income taxes sleeps on his rights and makes no attempt whatever in the statutory period of four years to get relief from the Government. In this case the testimony is indisputable that the attorney, within the required time and in due season, did make a claim for refund. There is no question about that in my mind. I read the report last year and I read it again a few days ago. It was not obligatory upon this attorney to register the letter making his claim for refund. It might have been better, but in the course of business the attorney sent it in the ordinary mail. He had a right to rely upon the Government officials taking up the consideration of that claim for refund. In some manner, either because it was not received by the proper official or because it was sidetracked in the office, it was not acted upon. The claimant did everything within his rights. Of course, the day before the 4-year period expired he did not telephone or send a telegram to ask whether the letter had been received. He had a right to assume that it had. The gentleman knows that an attorney has the right to assume that there are a great number of these claims pending and that any delay in deciding the claim may be due to office conditions. If he does his duty and makes claim for a refund, that is all that can be expected of him.

Mr. PATTERSON. I think I know the idea of the gentleman and I am in sympathy with his feelings, but here is the situation as I view it: Where people are well fixed and are able to hire a lawyer, we can not become responsible for the neglect of that attorney.

Mr. STAFFORD. Oh, it was not neglect of the attorney. The attorney did his duty. It is neglect of either the post-office officials, or, if the post-office officials performed their duty, then it was the neglect of the officials in the Internal Revenue Department.

The SPEAKER. Is there objection?

Mr. PATTERSON. Mr. Speaker, for the present I object.

The SPEAKER. Permit the Chair to make a statement with regard to this bill.

The Committee on Ways and Means of the House of Representatives, of which the Chair had the honor to be a member, thoroughly considered the question of waiving the statute of limitations with reference to taxes that were paid to the United States Treasury. In a survey the committee found that there were something over $4,000,000,000 against which the statute of limitations had been invoked. The Chair notices in the report on this bill that the Treasury Department calls attention to that fact.

The Chair makes this statement with a view to calling it to the attention of the gentleman from Idaho. If the precedent of waiving the statute of limitations on taxes paid to the United States Treasury is established, the Chair wonders where the limitation will stop, especially in view of the fact that there are now more than $4,000,000,000 in the Treasury

in claims against which the statute of limitations has run. Of course, that goes back over a period of over a hundred years.

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to speak for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LOZIER. Mr. Speaker, I am not interested in the bill that was under discussion a few minutes ago, but I am interested in what has been said with reference to the policy involved therein. That bill is not predicated on a request that the statute of limitations be waived in a case where claimant has neglected to file his claim within the statutory period. That bill is based on the contention that the taxpayer filed his claim before the statute of limitations had run. The real question in the instant case is whether or not the taxpayer complied with his statutory duty and made his claim to the Treasury Department within the period in which such claims could be lawfully tendered. The bill seeks to refund tax money that had been paid to the Treasury of the United States under protest, where it is obvious such payment was not due the Federal Treasury, and where the claimant complied with his statutory duties by preparing and mailing his claim in the due and usual course of business.

I understand the Treasury Department has no record showing the receipt of these papers, but that does not disprove that the claim was actually received at the Treasury Department. It is the universal custom to transmit claims of this character, documents of every kind or character, through the United States mails. Probably not one letter in a million is lost in transit, and so sure and reliable is this mail service that even the most particular, meticulous, and precise business men, with absolute assurance, transmit their communications through the United States mail.

While the letter in question might have been lost in the mails, on the other hand it might have reached the Treasury Department and been misplaced, and probably by inadvertence deposited in the wrong file. Mistakes of this kind frequently occur.

There is no worth-while evidence that the claim was not received in due course by the Treasury Department before the statute of limitations run. When it is shown by the evidence that the letter was mailed, the law presumes that it was received by the addressee. Of course, this is a rebuttable presumption; but proof of mailing makes out a prima facia case that the letter was received by the addressee, and the burden is shifted to the addressee to affirmatively show nondelivery.

Please bear in mind that Treasury evidence of nondelivery is negative, namely, that they have no record of its receipt. No Treasury official or employee is in a position to show that the claim was not received and they can only testify that there is no record in the department of the receipt of this particular communication. Obviously, this is insufficient to overcome the presumption of delivery that flows from affirmative proof of mailing. The bill under discussion involves a question of fact, and the Congress as triers of the facts would be justified in finding from the weight of the evidence that the claim was really received at the Treasury Department before the statute of limitations became operative.

A few years ago our colleague Mr. DALLINGER, in discussing Veterans' Bureau matters in this chamber mentioned a case in which evidence had been submitted to the bureau. The bureau, after months had elapsed, claimed that the papers had never been received and were not in the bureau files. On the advice of our colleague the claimant submitted a duplicate set of proofs, and if I remember correctly, these also got out of pocket in the bureau. In any event both the original and duplicate were afterwards found. I mention this incident, not in a spirit of criticism of the bureau, but to illustrate that no matter how efficiently a departmental filing system may be operated, mistakes will occur and papers will not infrequently be by inadvertence placed in the wrong file.

I repeat this is not a case where the claimant is asking the Government to waive the statute of limitations. The question is, shall the Government be permitted to retain a small sum of money to which in equity and good conscience it has no title? I respectfully submit that in cases of this character, where the taxpayer makes out a prima facie case by showing that he deposited the claim papers in the United States mail, the legal presumption follows that the papers were transmitted in the usual course and delivered to the addressee, and thereupon the burden shifts to the addressee to rebut this prima facie case, and to overcome this legal presumption by evidence sufficient to satisfy the triers of the fact that the documents did not in reality reach the addressee. The taxpayer is not charged with responsibility for the care, diligence, or accuracy with which the Treasury Department handles the mail after it is received, nor can he be penalized or deprived of his statutory rights, because forsooth the employees of the Treasury Department in distributing or filing the evidence misplaced it or attached it to the wrong file. In the instant case there is no presumption that the taxpayer's claim papers were not received at the Treasury Department.

[Here the gavel fell.]

Mr. FRENCH. Mr. Speaker, in view of the Speaker's statement, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Speaker, the gentleman from Missouri has clearly stated the facts in this case. We are not asking for consideration because of any neglect on the part of the claimant. The application for refund was made more than two and a half years before the time expired within which the application should have been made.

Why, gentlemen of the House, less than 60 days ago I had a case before the Veterans' Bureau. I was told that evidence had not been received. I was told by my correspondents that it had been sent. It was evidence that had required a vast amount of time and care and attention to assemble. Yet I was compelled to write to my correspondents and tell them that all the work must be done over again. Within 30 days I received notice from the Veterans' Bureau that somehow the evidence that had been transmitted had been found in connection with another case. Here was a mistake, but it was one made by a department. A similar mistake may be responsible for the case we are now considering.

I have no doubt the evidence was filed; I have no doubt it was either lost in the mails or misplaced after having been received; it may well be in some pigeonhole attached to a wrong case, and it may be that some day it will be discovered. At any rate, the claimant did not neglect the matter. He made his application in due time. In my judgment, if there were such a claim confronting any Member of this House, when he found he owed a debt under like circumstances he would not go to sleep to-night before he had refunded the overpayment to the person who made the claim.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I have a claim which is in exactly the same shape this one is in, and I would like to know the attitude of the committee with respect to such claims. I had a bill before the committee at the last session, but it was not reported. The committee at the last session would not report these bills. If they are going to report one bill, I think they should report my bill. It is the case of an overpayment of $2,800. A former Member of this House, a lawyer and former United States Senator, Senator Bailey, of Texas, made the statement that he put the letter in the mail box. He made the statement that he sent the claim

to the department, but the department claimed they never received it.

If one bill along this line is passed, I want mine passed. I would like to know what is to be the attitude of this committee with reference to legislation of that sort. In other words, if they are going to report them and have them objected to or leave them in the committee.

Mr. BLACK. Mr. Speaker, of course, as I said in connection with the question of the compensation claims, the committee is not disposed to commit itself as to any policy on any kind of claims. Each claim will be examined on its own facts. We will go into its own factual background, and, if the claim is justified, I hope we will report it, irrespective of what class of claim it may fall in.

I realize the importance of what the Speaker has told us about the statute of limitations, and I must say that the statute of limitations has evidently protected the country from real bankruptcy, because the statute of limitations has prevented us from paying back to taxpayers $4,000,000,000 which the country owed the taxpayers.

I can not say to the gentleman from Texas [Mr. RAYBURN] that his bill will be reported. I do not want to commit the committee or myself to a disposition in favor of that bill. However, we will consider that bill as we have considered this one.

I believe this bill should be passed. There does not seem to me to be any question of negligence on the part of the attorney in this case. If such is the case in regard to the claim referred to by the gentleman from Texas, I hope the committee will report that bill.

I think a great many of the objections to-day are merely captious objections, and it is hardly worth while holding a Private Calendar day if the practice is kept up.

LEHDE & SCHOENHUT

The Clerk called the next bill on the Private Calendar, H. R. 1202, for the relief of Lehde & Schoenhut.

Mr. EATON of Colorado. Mr. Speaker, reserving the right to object, is there anyone here interested in this bill?

Mr. MEAD. I am interested in the bill, Mr. Speaker.

Mr. EATON of Colorado. Will the gentleman explain why you should ask for return of the money before you prove that the trees went back?

Mr. MEAD. We have proved that the trees were sent back. I have here the shipper's export declaration signed by the clerk at the United States customs and certified to by an officer of the New York State Department of Farms and Markets. I have here also the bill of lading of the New York Central Railroad, sworn to before an accredited notary public, and I have also a statement from the Department of Farms and Markets of New York State made in a letter addressed to the Director of the Bureau of Plant Industry at Washington, in which he informs the department that the trees were shipped back to Canada under the supervision of the State department of farms and markets.

This is the information that was requested by the department, and this information was presented to the Claims Committee last year. On this information the committee reported the bill favorably to the House, and the present committee has again reported the bill favorably this session. This is a meritorious claim to refund money paid into the United States Treasury on goods that the claimant was not allowed to keep.

Mr. EATON of Colorado. The gentleman's statement is that he has proof that the trees were reshipped to Canada?

Mr. MEAD. Yes; the shipper's export declaration and the railroad bill of lading. I have here the full and complete information which the gentleman from Colorado has requested.

Mr. EATON of Colorado. I heard the gentleman read the list of papers and I withdraw any objection.

Mr. MEAD. I thank my colleague.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lehde & Schoenhut, of Gardenville, N. Y., the sum of $739.25, being the amount which the said Lehde & Schoenhut paid to the collector of customs of Buffalo, N. Y., as customs duties on certain shipments of spruce trees, aggregating three carloads, imported into the United States from Canada during the month of May, 1926. The aforementioned shipments of spruce trees were subsequently refused entry into the United States by a New York State inspector, who ordered them to be reshipped to Canada, because of a State quarantine, in the identical condition in which they entered this country, the said duty having been paid by the said Lehde & Schoenhut before the discovery of the quarantine order preventing entry of the said spruce trees: *Provided*, That it shall be shown to the satisfaction of the Secretary of the Treasury that all of said shipments of spruce trees were in fact reshipped to Canada in obedience to the quarantine order refusing their admission.

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

A motion to reconsider was laid on the table.

DISTRIBUTION OF SURPLUS GOVERNMENT CLOTHING

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker and fellow Members, I have taken this opportunity in order to call attention to a resolution introduced by me (H. J. Res. 273) that would direct the Secretary of War to sell at 1 per cent of the original cost (10 per cent of the present value), to the American Legion, Veterans of Foreign Wars, Red Cross, or other patriotic or charitable organizations all of the surplus clothing now held in warehouses in excess of estimated future needs of the War Department, to be distributed to the unemployed and destitute people of the United States.

May I say that my attention was called to this matter the first of this week, when Mr. Watson B. Miller, national chairman of the rehabilitation committee of the American Legion, appeared before the Military Affairs Committee in support of a resolution adopted by the national rehabilitation committee of his organization asking Congress to direct the War Department to sell to the American Legion surplus stocks to be distributed free by that great patriotic organization to people in this country who are in destitute circumstances.

High officials of the War Department, including the Assistant Secretary of War, appeared before the Military Affairs Committee of the House, of which I have the honor to be a member, for the purpose of showing that the surplus clothing in excess of the estimated future needs of the War Department is now being offered for sale at approximately one-tenth of the original cost, and that such prices are reasonable. If this matter is to be considered from purely a commercial standpoint, then the position of the War Department is probably correct, and yet I was amazed to learn that in several instances the same grade of goods can be to-day bought in the open market for less, which means less than one-tenth the price paid by the Government 14 to 15 years ago. Much of the clothing in question was sold by the conscienceless contractors and damnable war profiteers who highjacked the Government during those dark and never to be forgotten days of 1917 and 1918.

Let me digress for a moment to say that for the past several years I have been urging Congress to pass the universal draft act, proposing to draft money and materials as well as men in case of future wars. The almost countless millionaires made by the World War is a dark page in our Nation's history. Let us eliminate future war profiteering, and we shall at least lessen the likelihood of future wars.

But getting back to what I was saying in connection with the committee hearings. It is not my purpose to dwell on this controversy—or perhaps I should say the unsatisfactory colloquy or extended negotiations between the Legion officials and the War Department. Nor do I have any disposition to unduly criticize the Department of War for not voluntarily reducing the prices of its surplus stocks to the minimum, as provided in my resolution. In fact, the War Department might be criticized for doing so without direction by Congress or any action by the Military Affairs Committee.

During the hearing before the committee it was suggested that for the War Department to sell its surplus clothing for 1 per cent of its original cost, or 10 per cent of the present value, is virtually a dole, and we were told in no uncertain terms that the Government has not yet embarked upon the policy of the dole. Of course, that opens up a subject of wide range for discussion, into which I do not care to go at length at this time. Some Members of Congress, who have voted consistently for outright doles to big business, get all excited when any suggestion is made that they consider smacks of a dole to starving and destitute people. Only recently this Congress voted to underwrite certain big business by pledging two billions from the Federal Treasury to make good worthless or questionable securities and bonds of international bankers and the railroads, which, I submit, is nothing more nor less than a dole.

What is the moratorium on foreign war debts but a dole? And mind you, that is not a dole of thousands, or even millions, but, in my judgment, it means ultimate cancellation of more than $11,000,000,000—not to our own destitute people, but a dole to unappreciative and unfriendly foreign governments. We sold four billions of war supplies to France at 10 cents on the dollar 14 years ago in order to show our "brotherly love." France has not paid one dollar of that obligation, and never will, and yet we did not hear the cry go up about giving France a dole.

I have never advocated a dole to any class of citizens and certainly do not do so now, but on the other hand have insisted that all the average American asks for is a chance to earn an honest living, a thing millions of good citizens are unable to do under existing conditions. Before I could vote for a dole, however, to international bankers, or for governments across the sea, I would like to see this Congress do something to relieve the distress of the millions of destitute people in our own country, many of whom offered their services to this Government at a time when the dark clouds of war hung heavily over this unhappy land.

At a later meeting of the House Military Affairs Committee—and since the introduction of my resolution—the committee passed a resolution requesting the Secretary of War to sell to the American Legion such surplus stocks as heretofore discussed, at 50 per cent of the present prices, which means about 5 per cent of the original cost. I have every reason to believe that the War Department will comply with the request of our committee. This will mean a saving of approximately a hundred thousand dollars to the American Legion and other organizations who propose to distribute these stocks and clothing to those who are destitute throughout the land.

Personally, I would much prefer that the prices be still further reduced, if possible, and I call attention to the fact that this surplus clothing, held by the War Department, will not come in competition with the local merchant for the reason that it will be distributed, so I understand, only to the destitutes, who have no money nor jobs.

It is not fanciful theory with which we are faced, but a solemn and distressing reality. The War Department has the 14-year-old clothing it can not possibly use and we have millions of unemployed and destitute citizens who are in real need of these necessities. I would not only reduce prices, but because of the unusual situation I would urge that all such surplus clothing be given the charitable and patriotic organizations who are willing to distribute it free to those in great need, if that were possible. Under the present law, however, that can not be done. A sale must be made, and the cold weather would probably be over before a bill could be put through Congress amending the present law. Immediate action is imperative, and I sincerely trust that the War Department takes appropriate action at once. That will help some, and unless this is done, I shall insist upon early action on my resolution.

Let me add, in conclusion, that dire need for clothing and food is rampant in our beloved and once prosperous land. This deplorable condition is not confined to any one section of the country. Conditions are probably worse in the congested city districts than among the rural population; yet the prevailing price of farm products being far below the cost of production, millions of honest, patriotic, and hard-working tillers of the soil have been thrown into bankruptcy. Thousands of Oklahoma farmers have seen their life savings swept from under them within the past two or three years. Farms are being foreclosed daily, and thousands of tenant farmers are in as much destitution as those who live in the towns and cities. I feel that it is inexcusable for this Government to hold millions of dollars worth of clothing that the War Department admits can not possibly be used, with citizens of this country on the verge of freezing for the lack of sufficient clothing and with dire need widespread all over the land. If that be a dole, then make the most of it.

GRINA BROTHERS

The Clerk called the next bill on the Private Calendar, H. R. 1231, for the relief of Grina Bros.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Grina Bros., of Ambrose, N. Dak., United States coupon note No. D-4419811 in the denomination of $100 of the Victory 4¾ per cent notes of 1922–23, called for redemption December 15, 1922, without interest and without presentation of the said note, which is alleged to have been lost or stolen: *Provided*, That the said note shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which may have been attached to the note: *Provided further*, That the said Grina Bros. shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said note in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the note hereinbefore described.

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

A motion to reconsider was laid on the table.

A. L. HEDDING

The Clerk called the next bill on the Private Calendar, H. R. 1350, for the relief of A. L. Hedding.

Mr. GRISWOLD. I object, Mr. Speaker.

Mr. ENGLEBRIGHT. Mr. Speaker, will the gentleman withhold his objection and permit the bill to be passed over without prejudice, in view of the fact that my colleague the gentleman from California [Mr. CURRY] is unavoidably absent?

The SPEAKER. As the Chair understands the parliamentary situation, when a bill on the Private Calendar is objected to it continues on the calendar. Passing a bill over without prejudice does not change the status of the bill at all.

Mr. BACHMANN. Objecting to a bill is the same thing as passing it over without prejudice.

The SPEAKER. Exactly the same thing.

BRUCE BROS. GRAIN CO.

The next business on the Private Calendar was the bill (H. R. 1525) for the relief of Bruce Bros. Grain Co.

The Clerk read the title of the bill.

Mr. PATTERSON. Mr. Speaker, I reserve the right to object, to get a little information.

Mr. DYER. Mr. Speaker, my colleague, the author of the bill, is not on the floor, but will be in a few minutes. May I ask that this be passed over temporarily?

The SPEAKER. With a view of returning to it later?

Mr. DYER. If there is an opportunity.

The SPEAKER. Is there objection?

There was no objection.

G. CARROLL ROSS

The next business on the Private Calendar was the bill (H. R. 1554) for the relief of G. Carroll Ross.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. Carroll Ross, of the city of South Haven, Mich., the sum of $200 to reimburse him for money expended in payment of a fine levied against Captain

Quickfall, master of the British steamship *Erringford-Dunford*, on October 8, 1925, for violation of section 8 of the act of June 19, 1886, as amended.

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

A motion to reconsider was laid on the table.

THOMAS H. DEAL

The next business on the Private Calendar was the bill (H. R. 1928) for the relief of Thomas H. Deal.

The Clerk read the title of the bill.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to call attention to the fact that Postmaster General Walter F. Brown has made an adverse report on this bill.

Mr. PATTERSON. I want to say to the gentleman that I am going to object.

Mr. BLANTON. I was calling attention to the reason for the report of Postmaster General Brown. I want to show that there is a good reason. Mr. Speaker, I request unanimous consent to put in the RECORD the important parts of the Postmaster General's report on the bill.

The SPEAKER. Is there objection?

There was no objection.

The said portion of the report is as follows:

Upon consideration of this claim, settlement was made by disallowance under date of February 28, 1923, on the ground that a loss by burglary was not established by the evidence, as the safe bore no signs of force having been applied in opening it, and, in fact, it was found locked the next morning after the alleged burglary, and a window found out of place between the lobby and the workroom of the office was the only indication of forcible entrance to the workroom.

Subsequently one Romeo Hoyt was tried twice on an indictment charging larceny of bonds from the post office at Fairbanks, alleged to have been the personal property of former Postmaster Deal. In the first trial the jury disagreed and on the second trial Hoyt was acquitted. Former Postmaster Deal, of course, contends that Hoyt committed the burglary and took the postal funds involved in this claim as well as the securities that were his personal property. This phase of the case has a bearing on the claim for reimbursement, inasmuch as it developed in the trial of Hoyt that former Postmaster Deal was negligent in safeguarding the public funds, as indicated by the fact that he kept a slip of paper containing the combination of the safe in a drawer in the upper portion of his roll-top desk in the post office beside the safe, and used this paper on numerous occasions, both day and night, in unlocking the safe; furthermore, that the lock on the roll-top desk was defective and the desk could be opened and access to the paper on which the combination was written could be had without resort to violence, and this slip of paper could have been used by any person who desired to unlock the safe in which the funds reported stolen had been kept; also that the former postmaster maintained a magazine subscription agency, and it was his practice to admit persons who desired to subscribe for magazines into the workroom, and such persons were seated near his roll-top desk and were thus enabled to observe the former postmaster's procedure in opening the safe by means of the slip of paper containing the combination numbers. It is alleged that Hoyt and his wife had been seated for various periods of time at Mr. Deal's desk prior to the alleged burglary on October 24, 1922. In the opinion of the department, therefore, even if Hoyt had been found guilty, the claim could not have been allowed because the regulations governing the protection to be given to public funds and property had not been observed.

Very truly yours,

WALTER F. BROWN.

Mr. BLACK. Let me say that the postmaster was under suspicion by the post-office inspectors for connivance in the robbery of his own safe.

Mr. BLANTON. The reason for that was that he accused another man of committing this robbery. That man was tried, and there was a hung jury, and then he was tried a second time, and was acquitted.

The department made a complete investigation and decided this claim was without merit. If we pass bills on that kind of evidence, we might as well open the doors of the Treasury, or as our former colleague the gentleman from Massachusetts Mr. Walsh once said, take the doors off of the hinges of the Treasury and open it to the public.

Mr. BLACK. I would like to finish the statement that I began. The postmaster was under suspicion for conniving in the robbery of his own safe. It developed that the Government inspectors had arrested another man for it, and they traced the funds belonging to the postmaster to San Francisco, where they had been taken by this man. This postmaster used the safe for his own securities. He was as careful of the Government funds as he was of his own funds.

Mr. STAFFORD. How careful was he of his own?

Mr. BLACK. As careful as he was of the Government funds.

Mr. BLANTON. I object.

NOBLE J. HALL

The next business on the Private Calendar was the bill (H. R. 1962) for the relief of Noble J. Hall.

The Clerk read the title of the bill.

Mr. STAFFORD. I object.

FRANCIS ENGLER

The next business on the Private Calendar was the bill (H. R. 2086) for the relief of Francis Engler.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to pay to Francis Engler $143.09 in full and complete payment and discharge of the claim filed under the act of March 4, 1925, entitled "An act to provide for carrying out the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co," as amended by the act of February 16, 1929, entitled "An act to provide for further carrying out the award of the National War Labor Board of July 31, 1918, for the relief of employees of the Bethlehem Steel Co., Bethlehem, Pa."

SEC. 2. The payment hereby authorized and directed under the provisions of section 1 of this act shall be made from the unexpended balance of the amount appropriated under the act of March 4, 1925, above referred to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

FRANK W. CHILDRESS

The next business on the Private Calendar was the bill (H. R. 2595) for the relief of Frank W. Childress.

The SPEAKER pro tempore (Mr. RAYBURN). Is there objection?

Mr. PATTERSON. Mr. Speaker, I object.

EDWARD CHRISTIANSON

The next business on the Private Calendar was the bill (H. R. 2606) for the relief of Edward Christianson.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, would the gentleman have any objection to a change in the phraseology, which will not militate substantially against the provisions of the relief he seeks to recover? I suggest the following phraseology:

That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Edward Christianson, a civilian employee of the United States Coast Guard, who claims to have been poisoned by impure water drunk while serving aboard the Peshtigo lightship, *No.* 77, at Peshtigo, Wis., on or about December 15, 1919, in the same manner and to the same extent as if said Edward Christianson had made application for the benefits of said act within the 1-year period required by sections 17 and 20 thereof: *Provided*, That no benefit shall accrue prior to the enactment of this act.

The bill as introduced makes a legislative finding that the man was poisoned. I assume the gentleman desires to have an investigation made to see whether it is a fact that he was poisoned by drinking impure water on this occasion.

Mr. EATON of Colorado. Mr. Speaker, I object.

CHARLES LAMKIN

The next business on the Private Calendar was the bill (H. R. 2704) for the relief of Charles Lamkin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles Lamkin, of Banning, Calif., the amount of $66 in full settlement for the value of equipment belonging to him which was destroyed by fire while being used in an attempt to save Government property from burning on the San Bernardino National Forest, Calif., July 14, 1929.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CHARLES LEROY ESTATE

The next business on the Private Calendar was the bill (H. R. 2809) for the relief of the Charles LeRoy estate.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate or succession of Charles LeRoy, deceased, late of the State of Louisiana, the sum of $436.38 shown to be due him for services rendered as United States postmaster in the State of Louisiana during the period from July 1, 1864, to July 1, 1874, as certified by the Treasury Department to be due in a report published as Senate Document No. 318, Sixty-first Congress, second session.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ELIZABETH T. CLOUD

The next business on the Private Calendar was the bill (H. R. 3030) for the relief of Elizabeth T. Cloud.

The SPEAKER pro tempore. Is there objection?

Mr. PATTERSON. Mr. Speaker, in the absence of the gentleman from New Jersey, I object for the present.

VIOLA WRIGHT

The next business on the Private Calendar was the bill (H. R. 3536) for the relief of Viola Wright.

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. Mr. Speaker, I reserve the right to object. Here is a bill extending the right of this claimant to the benefits of the United States employees' compensation act. I rise to inquire what the disposition of the gentleman from Wisconsin is in connection with this type of case?

Mr. STAFFORD. As I read the report, this is a case where the damages accrued since the act of 1916 was enacted.

Mr. BACHMANN. That is the point. They seek to waive the statute of limitations in this case, after four years, and permit her to have the benefit of the employees' compensation act of 1916.

Mr. STAFFORD. I thought as in the case of the claim involved in the bill of my colleague from Wisconsin [Mr. SCHNEIDER], where the claimant knew nothing of his rights, knew nothing of the fact that under the United States compensation act he would have this right, having been injured, that the privileges of the act should be granted notwithstanding this woman did not make claim within the statutory period of one year.

Mr. BACHMANN. The gentleman will agree that this is a very worthy case in this instance?

Mr. STAFFORD. Yes.

Mr. BACHMANN. I want to find out now whether or not the gentleman is going to permit some of these to go through that are in this class and object to others?

Mr. STAFFORD. No.

Mr. BACHMANN. Whether the gentleman's policy is going to be to permit all of them to go through in this class?

Mr. STAFFORD. Wherever it is shown that the claimant suffered injury after the act of 1916 and was unaware of the existence of that act, I think that he should not be penalized, and that the community should not be penalized to carry that load, but that he should be given the privilege of going before the commission to prove his case, notwithstanding he has waived the right for one year.

Mr. BLANTON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BLANTON. The gentleman's position also was that to go behind the act of 1916 would permit dozens of claim attorneys in Washington who have been digging up these old claims to come in and absolutely flood the committee.

Mr. STAFFORD. It would open the floodgates to all kinds of claims.

Mr. PATTERSON. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. PATTERSON. I am glad the gentleman brought this up, because this was the policy the last time, that we would pass such bills as this, and I am glad the gentleman from Wisconsin agrees to continue this policy.

Mr. BACHMANN. So we have a clear understanding among these conscientious objectors that bills such as this will be permitted to go through?

Mr. STAFFORD. The gentleman from Alabama, I think, unwittingly objected a moment ago to a bill introduced by my colleague from Wisconsin [Mr. SCHNEIDER].

Mr. PATTERSON. Oh, I did not object to it.

Mr. STAFFORD. The gentleman from Colorado [Mr. EATON] objected.

Mr. SCHAFER. This bill was considered by the Committee on Claims, and, after considering all the evidence, it reached a unanimous decision that in the name of equity and justice this claimant should have his day in court.

However, since the bill which was introduced by my colleague from Wisconsin [Mr. SCHNEIDER] was considered by the Claims Committee on the same grounds of justice and equity and unanimously reported I shall object to this bill, unless we will be able to go back and consider the Schneider bill which was previously objected to.

Mr. BLACK. Mr. Speaker, there is an exceptional element in this case. Here is a claimant who has been deprived of her rights, because she looked on the Government a little differently from a great number of others. She made no claim for compensation because she hoped she would recover and would not have to make any claim. But it turned out she did not recover and she filed her claim too late because of her willingness to stand by, hoping she herself would be cured, and the Government would be relieved from paying her.

Mr. BACHMANN. What the chairman of the Committee on Claims has said is absolutely correct. It is a very worthy case, and I hope the gentleman from Wisconsin [Mr. SCHAFER] will not object.

Mr. SCHAFER. Mr. Speaker, the pending bill is on all fours with the bill introduced by my colleague, Mr. SCHNEIDER, and I shall not object to this meritorious bill just because the bill introduced by my colleague was objected to, but immediately upon the passage of the pending bill I shall ask unanimous consent to return to the bill introduced by the gentleman from Wisconsin [Mr. SCHNEIDER].

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Viola Wright, former nurse, United States Indian Service, in the same manner and to the same extent as if said Viola Wright had made application for the benefits of said act within the 1-year period required by sections 17 and 20 thereof: *Provided*, That no benefit shall accrue prior to the enactment of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF EDWARD CHRISTIANSON

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 23, H. R. 2606, for the relief of Edward Christianson, which is a bill on exactly the same principle as the one which has just been passed.

Mr. BLANTON. Mr. Speaker, I make the point of order, I understood the general announcement made by the Speaker with reference to his policy as to the Private Calendar, that the Chair would not entertain such a request to go back until the calendar had been entirely called.

The SPEAKER pro tempore. The present occupant of the chair was not in the Chamber and listening when the Speaker made that announcement.

Is there objection to the request of the gentleman from Wisconsin?

Mr. EATON of Colorado. Mr. Speaker, I object.

RELIEF OF ADA T. FINLEY

The next business on the Private Calendar was the bill (H. R. 3633) for the relief of Ada T. Finley.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I will not make any objection, but I rise to inquire from the gentleman from Wisconsin [Mr. SCHAFER] whether or not anything has happened with respect to this particular bill that was not in force and effect during the last Congress when the gentleman objected to it?

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I call attention to the commission's report on this bill, which is the following:

The committee had this case reviewed by a board of medical officers, convened by the Surgeon General of the Public Health Service, and they held that Miss Finley's pre-existing heart trouble was not materially aggravated by her occupation either at Gainesville, Fla., or elsewhere.

I presume that the gentleman had that in mind when he made his objection.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

FIRST STATE BANK & TRUST CO., MISSION, TEX.

The Clerk called the next bill, H. R. 3953, for the relief of the First State Bank & Trust Co., of Mission, Tex.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas [Mr. BLANTON] if he has read the report of the committee on this bill indicating that the Treasury Department opposes its passage.

Mr. BLANTON. I will say to the gentleman that this is a lost or stolen Liberty bond, and it has always been the policy of the House to allow such claims for lost bonds, with property indemnity filed. This bill provides for the payment of $1,000 on account of a Liberty bond which was lost or stolen. There has been and will be no loss to the Government. This Liberty bond is outstanding. There has been no claim on the Treasury for it. This bank lost it, as it was either lost or stolen. It has offered to give and will give a proper bond of indemnity so the Government loses not one single dollar. This is the kind of a bill we have always passed and that is the reason I did not object. It is a meritorious and just measure that will cost the Government not one cent.

Mr. SCHAFER. Under my reservation, I will agree with what the gentleman has stated, that this is a meritorious bill, but I also want to state that whenever a department makes an adverse recommendation on a bill it should not be objected to. In the future I hope that when the Committee on Claims has unanimously reported a bill on which a department may have made an unfavorable report some Member will not object to its consideration merely because of the adverse report.

Mr. BLANTON. I want to say to my friend from Wisconsin that I presume he raised all of this hullabaloo because this is a bill introduced by our distinguished Speaker. I want to tell him that our distinguished Speaker would not introduce a bill that was not just and meritorious. Whenever a bill bears the Speaker's name the gentleman can bet his head that the bill is just and meritorious.

Mr. SCHAFER. I will state to the gentleman that I did not raise that point at all. I reserved the right to object in order to call the attention of the Members of the House and the attention of the regular objectors to the fact that because a department makes an unfavorable report it is no reason why the consideration of a bill should be objected to.

Mr. BLANTON. I agree with the gentleman.

Mr. SCHAFER. As a rule, the gentleman from Texas objects to bills which have unfavorable reports from the departments.

Mr. BLANTON. Yes; when they are unmeritorious. But not always. It is so seldom I agree with the gentleman that I want to tell him now I agree with him.

Mr. BACHMANN. The gentleman from Texas has shown that he does not always object to a bill when there has been such a report.

Mr. BLANTON. There have been a bunch of bills passed this afternoon with adverse department reports against them.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the First State Bank & Trust Co., of Mission, Tex., United States registered bond No. 89539 for $1,000 of the third Liberty loan 4½ per cent per annum bonds of 1928, registered in the name of Alpha G. Decker, with interest from March 15, 1928, to September 15, 1928, without presentation of the bond, said bond having been assigned in blank by the registered payee and alleged to have been lost, stolen, or destroyed in the First State Bank & Trust Co., of Mission, Tex.: *Provided*, That the said bond shall not have been previously presented and paid: *And provided further*, That the said First State Bank & Trust Co. shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said bond and the final interest payable thereon September 15, 1928, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the bond hereinbefore described.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

ANNA A. HALL

The Clerk called the next bill, H. R. 3992, for the relief of Anna A. Hall.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I would like to have some information from the gentleman from South Carolina [Mr. HARE] about this bill. This bill seeks to reimburse the claimant to the extent of $960 because she loaned another woman that sum of money on a ring and it turned out that the ring had been brought into this country from Canada without the payment of the customs duty. She now asks the Treasury Department to reimburse her to the extent of $960. Was that the sum paid by her as duty on this ring?

Mr. HARE. I can explain that to the gentleman in a few minutes. The loan referred to was made, and the ring was put up as collateral. The loan was not paid. The note given was sued upon and judgment obtained. The ring was put up and sold at sheriff's sale. The claimant purchased the ring. After it had been purchased some few months——

Mr. BACHMANN. The lady who made the loan purchased the ring at the sheriff's sale?

Mr. HARE. Yes. Some three or four months after the sale the Treasury Department discovered that the duty on the ring had never been paid. Consequently, under the law, the lady had to forfeit the ring or else pay the duty, and the duty on the ring, as I understand, was $960.

Mr. BACHMANN. Let me ask the gentleman right there, did she retain custody of the ring?

Mr. HARE. No. It was delivered to a representative of the Treasury Department, but subsequently returned.

Mr. BACHMANN. She paid the Government $960 and gave them the ring, too?

Mr. HARE. That is right; but the department later returned the ring. The lady takes the position that because she was an innocent purchaser at an execution sale, she should not have been required to pay the duty. We had three bills of this kind last year.

Mr. BACHMANN. Just a minute, before we get away from that point. Is this claimant seeking to recover the ring and also the $960?

Mr. HARE. No; the ring has been delivered. The Secretary of the Treasury has recommended that the duty be remitted.

Mr. BACHMANN. What happened to the ring?

Mr. HARE. It is either in the custody of the Treasury Department or else it is in the custody of the lady, but the Treasury Department takes the position that as she was an innocent purchaser for value, she ought not to be required to

pay the tariff, and the department took the same position last year with reference to two other bills that were similar to this and passed both the House and the Senate. I may say further that this bill passed the House last year.

Mr. BACHMANN. Did the Treasury Department, under its decision, remit the duty on the ring?

Mr. HARE. Yes; but the Treasury Department had no authority to refund the $960 without a special act.

Mr. BACHMANN. Is it the intention of the gentleman, if the claimant has not the ring, to bring in another bill seeking to recover the ring or its value?

Mr. HARE. No; it is my understanding she has the ring.

Mr. BLACK. The claimant has the ring. She paid the duty and kept the ring.

Mr. BACHMANN. Then I have no objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to Anna A. Hall, of Aiken, S. C., the sum of $960, such sum representing the duty collected by customs officials from the said Anna A. Hall, after she had become a bona fide holder for value, without notice, of one diamond ring.

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

A motion to reconsider was laid on the table.

EMMA SHELLY

The Clerk called the next bill on the Private Calendar, H. R. 4056, for the relief of Emma Shelly.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the report or the finding of the War Department is somewhat adverse to the bill. The conclusion of the War Department seems to be that this is somewhat of a padded claim; that the detonation that caused the breaking of the glass in the building was not severe enough to have shattered the glass if it had been properly glazed.

I see my objection, Mr. Speaker, is removed by the recommendation of the committee in reducing the amount from $800 to $300, and accordingly I have no objection to the present consideration of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Emma Shelly the sum of $800 in full settlement against the Government for damages sustained to her property as a result of an explosion on the Savanna Proving Ground, Savanna, Ill.

With the following committee amendment:

In line 6, strike out "$800" and insert in lieu thereof "$300."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

CARROLL K. MORAN

The Clerk called the next bill on the Private Calendar, H. R. 4270, for the relief of Carroll K. Moran.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Carroll K. Moran, deputy clerk of the United States District Court for the Eastern District of Virginia, Richmond, Va., out of any money in the Treasury not otherwise appropriated, the sum of $182.70. Such sum represents the amount paid as witness fees and mileage by Carroll K. Moran to witnesses attending the October, 1929, term of court of the eastern district of Virginia, for which he was not reimbursed by the United States.

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

A motion to reconsider was laid on the table.

ALTON B. PLATNER

The Clerk called the next bill on the Private Calendar, H. R. 4329, for the relief of Alton B. Platner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Alton B. Platner, former postmaster at Linlithgo, N. Y., with the sum of $162.50, such sum representing compensation due him for services rendered as mail messenger at the said office from October 17, 1927, to May 1, 1928, inclusive.

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

A motion to reconsider was laid on the table.

CATHERINE C. SCHILLING

The next business on the Private Calendar was the bill (H. R. 4481) for the relief of Catherine C. Schilling.

Mr. STAFFORD. Reserving the right to object, this bill is similar in character and principle to the first bill we considered this morning, having for its purpose to restore pension money taken by the Board of Managers of the Soldiers' Home, and the reasons I advanced against the first bill apply to this.

Mr. EATON of Colorado. Mr. Speaker, I sent to the Library and obtained a copy of the Forty-fourth Federal Reporter, second series, from which the gentleman from Wisconsin read this morning, and I am sure he must have read only a part of that decision of the court, or he would not have taken the position he does. On page 517, second column, this decision, entitled "Durack *v.* National Home for Disabled Volunteer Soldiers," says:

The intent of Congress, we think, is further evidenced by chapter 384, Public Laws 1910, 36 Stat. 736, now section 136, 24 USCA, p. 73, under which it is provided that every inmate of a home on entering the home enters into an agreement that all personal property he may possess at his death, in case he dies in the home, leaving no heirs at law or next of kin, and not disposed of by will, shall vest in the Board of Managers of the home for the benefit of the "post fund" of the home.

In the bill before us the property was disposed of by will to his niece, the claimant in this bill. I hope the gentleman from Wisconsin will give this further study. When it is made clear that this money was left by will, as shown in the report to this bill, the gentleman from Wisconsin ought to revise his position. Notice that the circuit court of the United States expressly finds that every inmate, when he enters the home, makes a contract, among other things, which provides that if he fails to dispose of his personal property by will, it will go to the home. Here the soldier exercised his reserved right. He willed his saved-up pension money to his niece. It amounted to $1,786; and by this objection you violate the very terms of the agreement the old soldier made.

Mr. STAFFORD. Mr. Speaker, I would not take such a position on this bill or kindred bills were it not for the fact that during the six years prior to my reentry to Congress, while practicing law, I was called upon specifically to determine the very question which is now before the House.

The case was one arising out of an inmate of the Soldiers' Home at Milwaukee. An old soldier made a will designating his nephew, an inmate of a charitable institution, my client, as the beneficiary. The board of management had taken more than $2,000 of pension money belonging to this inmate and had applied it under the law of 1902 to the post fund.

In my capacity as a lawyer, feeling very sympathetically inclined to my client, an inmate of a charitable institution, who was a cripple and well advanced in years, I took it on myself to make a special study of all cases relating to the subject. I wrote to the Veterans' Bureau and they acquainted me with two decisions by the district court of Missouri or Kansas which upheld their position. I wish to say to the distinguished gentleman from Colorado that I have not only read the syllabus but I read every word of the opinion cited in the Federal Reporter.

In the cited case the facts are on all fours with the first bill introduced by my colleague [Mr. SCHAFER], to which I objected, not for any personal reasons. I hope I am not so small in the estimation of the Members of the House as to object to a bill for any personal reasons.

It is bad enough for me here in the performance of my duty as I see it to object to any bill when the beneficiary is a resident of the city of Milwaukee. It may mean the termi-

nation of my service; but, nevertheless, I see only one rule to follow, and that is the rule to do my duty as I see it.

This case is what? An inmate of the Soldiers' Home at Togus, Me., where some pension money had been withheld, makes a will. The executor begins an action in the United States district court to recover the pension funds as a part of the estate of the deceased soldier. The judge of that district court, whom I have the pleasure of knowing because of his distinguished service in this body, Judge Peters, a nephew of the great Chief Justice Peters, of the State of Maine—and a man who impressed us with his legal ability on the floor of this House—upheld the position of the Government. He held that, under the laws of 1910 and 1902, the soldiers' home had full right to take this money and keep it and transfer it to the post fund, except in one instance, and that is where the deceased soldier left a widow or minor children or dependent father or mother. I was in this Congress when that rider was carried in the sundry civil appropriation bill. It was an attempt to prevent these moneys the Government was allowing these old soldiers from being transferred to others except in these limited classes. I respectfully ask the gentleman when he is not pressed for time to reread this case, and I know he will come to the conclusion that I have. I direct the gentleman's attention to that paragraph which he just read to the House, and particularly to the one that follows it.

Mr. Speaker, I ask unanimous consent to proceed for three minutes more.

The SPEAKER pro tempore. Is there objection?

Mr. EATON of Colorado. Mr. Speaker, reserving the right to object, I would like to have five minutes.

Mr. STAFFORD. If that is the case, I withdraw my request. I do not want it granted with any strings to it.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. STAFFORD. I object.

HATTIE M'KELVEY

The next business on the Private Calendar was the bill (H. R. 4488) authorizing the Treasurer of the United States to pay Hattie McKelvey $1,786.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

HENRY A. RICHMOND

The next business on the Private Calendar was the bill (H. R. 4826) for the relief of Henry A. Richmond.

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. Mr. Speaker, I reserve the right to object in order to ask the chairman of the committee with respect to this bill, and what policy, if any, has been adopted in the committee. This is a bill seeking from the Government the return of a sum of money that was forfeited by the Government because of a bail bond. The prisoner in this case is not in the custody of the Government, and he has never been returned in court under the provisions of a bail bond which was forfeited. I do not see any liability here, morally or legally, on behalf of the Government to return the $500 to the man who went surety on the bond. It is just a case where a man is charged with a criminal offense in the Federal court and some bonding company goes on his bond, and one of his friends fails to secure the bonding company. The man does not appear for trial and the bond is forfeited. The man who secured the bonding company comes in and asks the Government to reimburse him that $500 that the bonding company was required to pay.

Mr. BLACK. Mr. Speaker, of course, the exaction of a bail bond is not for the purpose of getting the money covered by the bond. It is for the purpose of keeping the defendant in custody and available for trial. Where a man has been apprehended after he becomes a fugitive by the efforts of the bondsman, the committee has adopted the policy of refunding the forfeited money to the bondsman, and I think the policy is salutary. If the committee does not do that, and the defendant escapes, the bondsman is not going to do anything about it. He can not get his money back, and you get no help from outside sources.

Inasmuch as the primary object of the Government is not the bail money but the person of the defendant, I think it is very sound policy for the committee to adopt. In this case the defendant is in safe-keeping. He is in the custody of the warden of one of our State prisons in New York; and, as far as I know, the indictment is still pending against him in the Federal court. He will be turned over to the Government if the Government wants him at the expiration of his State sentence.

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

Mr. BLACK. Yes.

Mr. BLANTON. The gentleman from New York is a distinguished lawyer in his State. Not only is it the policy of the Government to have the defendant there, but it is to have him there when the case is set for trial, when the Government has summoned a lot of witnesses, when it has gone to the expense of having its prosecutor there ready for trial. All of that expense is lost to the Government when the defendant is not present when the case is called. None of that is ever paid back. The Government loses that. When the defendant is not there when his case is called there ought to be some response to the Government in the payment of at least some of the bond.

Mr. BLACK. It happens here that the Government was on notice that the man had escaped before the case was called.

Mr. BACHMANN. He was required to appear before the United States commissioner, but I raise this inquiry at this time because further on down the list there is another claimant seeking the return of $20,000, which is money forfeited because the defendant did not appear in the Federal court.

Mr. PATTERSON. Will the gentleman yield?

Mr. BLACK. I yield.

Mr. PATTERSON. This being a member of his own family: and, under the conditions obtaining, I object.

Mr. BACHMANN. I expected to object myself; but I wanted to say that, in all fairness to the chairman of the Committee on Claims, we should discuss this particular matter now, because we are establishing a precedent to be followed during this session of Congress.

Mr. BLACK. If the gentleman from Alabama insists on the objection he makes, the gentleman has an entirely mistaken view of human relationships. Here is a man who is related to the defendant who goes out of his way to help apprehend him. A very extraordinary thing. If the man who was his relation had a wrong view of his duty and responsibility toward the Government he would have allowed the $500 to remain with the Government and would have done all he could to see that the man was not apprehended.

Mr. BACHMANN. In this particular case there is another phase of it. A bonding company goes on the bond and they collect a premium for going on the bond. Then the bond is forfeited. Then they come back on the man who made the application for the bond, and he says the bonding company required him to pay $500 to them because they were required to pay it in Federal court, thereby collecting a premium and also asking to recover the amount of the bond back. I do not like to object to the bill, but under the circumstances I feel it is my duty to do so.

Mr. BLACK. This is for the relief of the actual bondsman.

Mr. BACHMANN. But they first went on the bond and collected a premium from the man who asked them to go on the bond, and now that man says the bonding company wants $500 which they had to forfeit because he did not appear.

Mr. BLACK. All the equities have been adjusted by the apprehension of the defendant. Everybody is practically in the original position.

Mr. BACHMANN. Mr. Speaker, I object.

MARIE E. M'GRATH

The next business on the Private Calendar was the bill (H. R. 5007) for the relief of Marie E. McGrath.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have no objection to having this matter investigated by the Employees' Compensation Commission, but I do have objections to having the act itself find that the accident resulted in his death. If the gentleman is willing to strike out in line 9 the clause " which resulted in his death," and in line 4 strike out "and directed to accept," and insert in lieu thereof " to consider and determine," and with the customary provision that no benefits shall accrue prior to the enactment of this act, I will have no objection to the bill. It leaves with the Employees' Compensation Commission the investigation of the merits of the claim notwithstanding the statute of limitations.

Mr. BLAND. Mr. Speaker, the gentleman from Virginia [Mr. SMITH], who introduced this bill, is detained and did not know the bill was coming up. I have had no conference with the gentleman, but I know that he desires to be heard, and I am inclined to think that it would be better, rather than have the bill defeated, to accept the amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to accept the claim of Marie E. McGrath, widow of A. J. McGrath, on account of the results of an injury sustained by said A. J. McGrath while in the performance of duty as an employee of the United States Government on August 23, 1918, which resulted in his death, as if such claim had been filed within the time prescribed by the compensation act of September 7, 1916, as amended.

Mr. STAFFORD offered the following amendments:

Line 4, strike out the words " and directed to accept," and insert in lieu thereof " to consider and determine "; and in line 9, strike out the clause " which resulted in his death "; and in line 11, after the word " amended," insert a colon and the words " *Provided*, That no benefits shall accrue prior to the enactment of this act."

The amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD F. GRUVER CO.

The next business on the Private Calendar was the bill (H. R. 5057) for the relief of Edward F. Gruver Co.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GRISWOLD. Mr. Speaker, I object.

Mr. BLACK. Will the gentleman withhold his objection for a moment?

Mr. GRISWOLD. I will withhold it.

Mr. BLACK. Here is a supply company which at the instance of a Government department furnished leather labels for the Federal Radio Commission. It happens that the Radio Commission had no appropriation for that purpose. The Government Printing Office could not do it, and this man, when called upon in the course of business, supplied them to the Government. Is Congress going to take the position that because he did not have the knowledge of all that our great Committee on Appropriations happens to do or not to do he is to be penalized, and the Government will have the use of these leather labels and the man never be paid? I think that in all fairness, even though the Federal Radio Commission was a little negligent, this Congress ought to show a broader spirit about these things and see that these people are paid.

The SPEAKER pro tempore. Is there objection?

Mr. GRISWOLD. Mr. Speaker, I object.

CAPT. GUY L. HARTMAN

The next business on the Private Calendar was the bill (H. R. 5284) for the relief of Capt. Guy L. Hartman.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill involves $20,000, and I call the attention of the membership to the holding of the Department of Justice. The Department of Justice says:

A number of others were involved in a conspiracy to defraud the Government out of taxes on approximately 400,000 gallons of distilled spirits upon which no tax was paid.

Mr. BACHMANN. Will the gentleman yield?

Mr. BLANTON. The Department of Justice further holds:

There is no question about Captain Hartman having been engaged in the gigantic illicit whisky enterprise. His going to Mexico was not only to avoid what to him seemed his certain conviction but was to make himself unavailable as a material witness as to other defendants. Therefore, his claim seems to be without merit.

I object, Mr. Speaker. On such facts the Government should not pay back this $20,000 forfeited bond.

Mr. BACHMANN. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. BACHMANN. The gentleman would object in any event to that bill, if it were not a liquor conspiracy bill, would he not?

Mr. BLANTON. Certainly. The fact that liquor is involved has nothing whatever to do with my objection.

F. P. CASE

The Clerk called the next bill, S. 2684, for the relief of F. P. Case.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the enforcement of the contract between the War Department and F. P. Case for sale of all timber on the Catoosa Springs Target Range, Catoosa Springs, Ga., executed July 29, 1929, and requiring removal of said timber within 545 days under penalty of $500 per year, the exaction of said penalty for nonremoval of said timber shall not be required for a period of two years from January 28, 1932.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

FREDERICK LEININGER

The Clerk called the next bill, H. R. 504, for the relief of Frederick Leininger.

Mr. EATON of Colorado. Mr. Speaker, I object.

ARMSTRONG HUNTER

The Clerk called the next bill, H. R. 505, for the relief of Armstrong Hunter.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Armstrong Hunter, late of Company A, Fourteenth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged on June 19, 1865, from the military service of the United States as a private of said company and regiment: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CLYDE CALVIN RHODENBAUGH

The Clerk called the next bill, H. R. 705, for the relief of Clyde Calvin Rhodenbaugh.

Mr. GRISWOLD. Mr. Speaker, reserving the right to object, I would like to call the attention of my colleague from Indiana to the fact that the report shows there was no Troop C, Third Regiment United States Volunteer Cavalry, and, therefore, I would suggest that the gentleman move to strike out the word " Volunteer."

Mr. HOGG of Indiana. Mr. Speaker, I am glad to have the suggestion of the gentleman from Indiana. The word

"Volunteer" should be stricken out when the bill is read for amendment.

Mr. STAFFORD. Mr. Speaker, further reserving the right to object, the report of the Adjutant General's Office shows that they have no record of any soldier whose name was Clyde Calvin Rhodenbaugh, but they have a record of Clyde C. Rhodenbaugh. If the gentleman wishes to make his bill bombproof, I think he should be willing to strike out the name "Calvin" and substitute the initial "C," because you can not change the records of the department.

Mr. HOGG of Indiana. The amendment suggested might be a good one, although I do not believe it imperative.

Mr. STAFFORD. I think he had better substitute the initial "C" for the middle name "Calvin."

Mr. HOGG of Indiana. I shall be glad to offer such amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Clyde Calvin Rhodenbaugh, who was a member of Troop C, Third Regiment United States Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 10th day of October, 1905: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. HOGG of Indiana. Mr. Speaker, I move to strike out the word "Volunteer" in line 6.

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOGG of Indiana: In line 6, strike out the word "Volunteer."

The amendment was agreed to.

Mr. HOGG of Indiana. Mr. Speaker, I move to change the name "Calvin" to the initial "C" in line 5.

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOGG of Indiana: In line 5, strike out the name "Calvin" and insert in lieu thereof the initial "C."

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

FREDERICK LEININGER

Mr. EATON of Colorado. Mr. Speaker, my attention has been directed to No. 41 on the calendar, to which I just objected. Because of the circumstances stated to me I wish to withdraw my objection, and I ask unanimous consent that we return to No. 41 on the calendar (H. R. 504).

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I understand from the legislative situation that No. 41 was passed and that it was No. 40 to which objection was made.

Mr. EATON of Colorado. Mr. Speaker, the bill to which I refer is H. R. 504, which is No. 41 on the calendar.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Frederick Leininger, late of Campany F, Fiftieth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 26th day of August, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

LOUIS MARTIN

The Clerk called the next bill on the Private Calendar, H. R. 908, for the relief of Louis Martin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Louis Martin, who was a member of Company B, Eleventh Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 31st day of January, 1900: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I notice in the report of The Adjutant General that in the records of the War Department there is no person listed as Louis Martin, but they have listed there a person by the name of Lewis T. Martin. I assume from the report of The Adjutant General that the soldier who wishes to secure this relief bears the name of Lewis T. Martin.

Mr. PURNELL. That is right.

Mr. STAFFORD. Accordingly I would suggest that the gentleman move an amendment striking out the word "Louis," in line 5, and inserting in lieu thereof the Christian name and middle initial "Lewis T."

Mr. PURNELL. Mr. Speaker, I offer the amendment suggested by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. PURNELL: In line 5, strike out the word "Louis" and insert in lieu thereof "Lewis T."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

The title was amended.

MICHAEL MARLEY

The Clerk called the next bill on the Private Calendar, H. R. 909, for the relief of Micheal Marley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Michael Marley, late of Company D, Fifth Regiment United States Infantry, war with Spain, shall be held and considered to have been honorably discharged from the military service of the United States as a member of the above organization on the 13th day of November, 1902: *Provided*, That no pay, pension, bounty, or other emoluments shall accrue prior to the passage of this act.

With the following committee amendment:

Page 2, beginning in line 1, after the word "*Provided*," strike out the balance of line 1 and all of lines 2 and 3, and insert in lieu thereof "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

THOMAS J. GARDNER

The Clerk called the next bill on the Private Calendar, H. R. 912, for the relief of Thomas J. Gardner.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to have the frank expression of the gentleman from Indiana [Mr. PURNELL], the author of this bill and the following bill, as to whether he has any hope of the bill becoming enacted by this Congress, even though we are considering it rather early in the session, in view of the fact that this bill has been hibernating either here or in the Senate ever since the Sixty-eighth Congress.

Mr. PURNELL. I will say frankly to the gentleman that I am afraid both of these gentlemen will be dead before they get any relief, but, in so far as I am able to do so, I shall keep on trying.

Mr. STAFFORD. From my knowledge of the facts, I can not even hope for the gentleman much success.

I withdraw the reservation of objection, Mr. Speaker.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Thomas J. Gardner shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company L, Sixth Regiment Kentucky Volunteer Cavalry, on the 1st day of May, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

In line 9, after the word "*Provided*," strike out the remainder of line 9 and all of line 10 and insert "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

FREDERICK SPARKS

The next business on the Private Calendar was the bill (H. R. 914) for the relief of Frederick Sparks.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Frederick Sparks, who was a member of Company E, Forty-third Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 8, after the word "private," insert "of that organization on the 29th of January, 1865."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

PAUL WALLERSTEIN

The next business on the Private Calendar was the bill (H. R. 937) for the relief of Paul Wallerstein.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Paul Wallerstein, who was a member of Company D, Seventy-fifth Regiment, and Company K, Forty-sixth Regiment, New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the latter company and regiment on July 28, 1865: *Provided*, That no pension, bounty, pay, or other emolument shall accrue prior to the passage of this act.

Mr. BACHMANN. Mr. Speaker, I offer the following amendments to correct the proviso.

The Clerk read as follows:

In line 10, after the word "bounty," insert the word "back."

After the word "or" in the same line, strike out the words "other emoluments" and insert the word "allowance."

After the word "shall" in the same line, insert the words "be held to have."

Line 10, strike out the word "accrue" and insert "accrued."

The amendments were agreed to.

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

A motion to reconsider was laid on the table.

HARRY CINQ-MARS

The next business on the Private Calendar was the bill (H. R. 959) for the relief of Harry Cinq-Mars.

The SPEAKER pro tempore. Is there objection?

Mr. LOZIER. Reserving the right to object, and I shall not object, until I read this bill I thought Cinq-Mars was dead, his good sword rust, his bones dust. I desire to ask the dynamic, versatile, and industrious gentleman from Wisconsin [Mr. SCHAFER] a question: This is a bill for the relief of Harry Cinq-Mars. We all understand that the names Harry and Henry are used interchangeably. This name, Cinq-Mars, awakens in my mind a train of historic memories that lead me back to the romantic times when Harry, or Henry Cinq-Mars was a favorite of Louis XIII, the French nobility, and the French court. Elevated to a high station by Richelieu, Cinq-Mars sought to supplant his patron, and with the connivance of the King and the Duke of Orleans he headed a conspiracy against the great cardinal, which failed and brought Cinq-Mars to the block, at the age of 22, in 1642.

The historic Cinq-Mars was a Frenchman, and a lunacy commission will be in order when I vote to pay the money of the American taxpayers to a French-Frenchman. If this particular Cinq-Mars is an American Frenchman—that is, an American citizen—then I am 100 per cent for him and his bill, even if French blood courses through his veins. In view of the gross ingratitude of the French people and their evident intention to repudiate their indebtedness to Uncle Sam, I want to be assured that the passage of this bill will not put any more American money in the pockets of any citizen of France.

I ask my distinguished friend from Wisconsin whether or not this bill is for the relief of the original Henry Cinq-Mars, or any of his descendants, or for the benefit of any citizen of militaristic France?

Mr. SCHAFER. Mr. Speaker, unfortunately, I am not such a profound student of history as is the gentleman from Missouri. I regret that I can not answer his inquiry. The Cinq-Mars of olden times appears to have been executed by reason of conspiracy. I can not say that there is any relationship except that the beneficiary of this bill appears to have been persecuted by reason of a conspiracy of Army officers who said that he should not receive an honorable discharge because he had not rendered honorable service immediately after he had been acquitted of that offense in a court-martial proceeding.

Mr. LOZIER. I only wanted to be sure that this bill was for the relief of a live American Cinq-Mars, and not for the benefit of either a dead or living French Cinq-Mars. And I do not want history to be thrown out of joint by the passage of this bill without a proper identification of the particular Cinq-Mars to be benefited. I do not want any more American money to find its way to France to add to their store of wealth, their stock of arrogance, or their war chest for the restoration of another Napoleonic age. Let our slogan be "Millions for American Cinq-Mars; not a cent for French Cinq-Mars."

The SPEAKER pro tempore. Is there objection?

There was no objection, and the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Harry Cinq-Mars, who was a member of Troop L, United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 22d day of August, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

BASIL N. HENRY

The next business on the Private Calendar was the bill (H. R. 1029) for the relief of Basil N. Henry.

The SPEAKER pro tempore. Is there objection?

Mr. PATTERSON. Mr. Speaker, I reserve the right to object. It has not been my policy, where young men have joined the Army a great many years ago, in the Civil War or the Spanish-American War, to object, because I have

always been in sympathy with them. Has it been the policy of the committee heretofore to consider bills correcting the military record of men this early after their service, as a general proposition? The gentleman from West Virginia [Mr. BOWMAN] can readily see what this is liable to open up. I have some cases in my district, while not exactly similar to this, who will have to have their records corrected before they will be entitled to compensation.

Mr. BOWMAN. Mr. Speaker, I do not know what the attitude of the committee has been on any of the bills presented before. I do know there is justification for reporting out the bill for the relief of Basil N. Henry. This young man was inducted into the military service in July, 1918. In September he found himself in France, and on November 1, 1918, he was on the firing line. He was delegated with a number of other men to deliver a message.

In delivering that message under fire he discovered that he had neglected to bring his gas mask. Obtaining the consent of the sergeant, he returned for that gas mask, and then was unable to find his comrades who had gone out with him to deliver that message. He was taken over by another company, after the Germans had shelled that particular place, and was then unable to locate his company. When he did locate his company he failed to have with him the necessary papers that he should have had from the company which had taken care of him, which had taken charge of him during his absence from his regular company.

Mr. PATTERSON. Could he establish his identity by the evidence of his comrades?

Mr. BOWMAN. Oh, absolutely. If the gentleman will read the report, he will see that he established his identity.

Mr. STAFFORD. Mr. Chairman, the gentleman from Alabama [Mr. PATTERSON] makes an inquiry as to what position the Committee on Military Affairs takes as to bills removing the charge of desertion or disability charges against World War veterans.

Mr. PATTERSON. And men who have joined since.

Mr. BACHMANN. Is the gentleman applying that now to any desertion after the beginning of the World War?

Mr. STAFFORD. Unfortunately, the chairman of the Committee on Military Affairs and other members of that committee are at this moment performing a sad duty attending the last rites over the remains of our beloved, deceased chairman, Percy Quin. They are necessarily absent. At the request of Mrs. Quin, all of the members of the committee are attending the funeral to act as honorary pallbearers. The Committee on Military Affairs in the last Congress and in this Congress has been unfortunate in having its chairman invalided by reason of impaired health. It did not lay down any policy as to the consideration of cases correcting the records of World War veterans.

Mr. BACHMANN. Will the gentleman state what the policy was in the last Congress?

Mr. STAFFORD. I say because of the unfortunate condition of the then chairman, who was absent a considerable time, in precarious health, the committee did not adopt any policy as to removing disability charges from World War veterans other than that we should be most circumspect in reporting out private bills removing disabilities. This is a case that was reported out by one of the subcommittees. It received the consideration of the entire membership in executive session. We thought it was so meritorious there could be no complaint laid against it, and that it would not establish any policy.

Mr. BACHMANN. Mr. Speaker, I am like the gentleman from Alabama in this matter. There are a number of these bills seeking to clear the records of World War veterans and some soldiers who have deserted since. In this particular instance the case is meritorious and ought to pass, but what is the policy of the committee going to be and what are we going to do here? If we are going to pass one, I think other Members who have bills are entitled to the same consideration and it will establish a policy. We ought to decide now whether we are going to correct desertion records of World War veterans.

Mr. STAFFORD. I can only state that our committee in the last Congress and in the present Congress for the reasons given, because of the incapacity of our chairman, has not laid down any policy. I am sure that under the active, virile leadership of the gentleman from South Carolina [Mr. MCSWAIN], who will now succeed to the chairmanship, some policy will be laid down. I may say that no bill has been reported from the Committee on Military Affairs in the last Congress or in this Congress that relates to the removal of desertion charges while the war was in progress. There are perhaps one or two instances where a soldier deserted by reason of a little insubordination or the like, or received dishonorable discharge by reason of insubordination after the termination of the war.

In passing I wish to say this bill does not commit ourselves to any definite policy as to what the attitude of Congress shall be. I know the membership of the Committee on Military Affairs in the last Congress insisted that we must be most circumspect in passing on any of these bills and that we should adopt a policy. We have not done so.

In the next call of the Private Calendar I am sure the gentleman from South Carolina will be present, and by that time I am sure the committee will have taken some definitive stand on policy toward these cases.

Mr. BACHMANN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BACHMANN. The gentleman is a very valuable member of the Committee on Military Affairs, and the gentleman takes quite an important part on the floor when the Private Calendar is called, following his sense of duty in that particular, but the gentleman stops short in saying just what his individual views are and what his policy is with respect to correcting records of those who served in the World War.

Mr. STAFFORD. I do not think the gentleman wishes me to declare my individual views here and now.

Mr. BACHMANN. Yes. I would like to know from the gentleman.

Mr. STAFFORD. I have long been a Member of this House, serving on many committees, the Committee on Post Offices and Post Roads, the Committee on Interstate and Foreign Commerce, elections committees, the Appropriations Committee for eight years on various subcommittees, and now on the Committee on Military Affairs. I wish to submit my views in executive session and harmonize them with the views of other Members so as to establish a policy. I think we should be most circumspect in removing desertion charges from the records of World War veterans.

I want to say further that the Member from Wisconsin has not been in sympathy with voting out bills removing desertion charges against Civil War veterans, who from a reading of the report itself, were shown to be mere bounty jumpers, without having served a day in the Civil War.

I did my duty in the committee two years ago, when I first entered upon my service, and received the chidings of Republican colleagues—not Democratic colleagues of that committee—for trying to sift out the good from the bad. Many of the bills which are being passed this afternoon have been reported Congress after Congress only to meet with objection in the other body. Why? Because they charge that we have been dumping these bills over there without any discrimination. There are many meritorious bills reported by the Committee on Military Affairs, removing grounds of dishonorable discharge of Civil War veterans where they have a record of honorable service prior to the close of the war. It is the policy of the Committee on Military Affairs, as far as Civil War veterans are concerned, as far as Spanish-American War veterans are concerned, that wherever a soldier has received one honorable discharge and then, upon a subsequent enlistment, for some little insubordination, perhaps swearing at his commanding officer, has been dismissed under court-martial, that we reestablish him to the benefits of the pension roll, and properly.

Mr. FULBRIGHT. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. FULBRIGHT. As I understand this particular case, the party who is sought to be relieved was not really a deserter?

Mr. STAFFORD. Oh, no. He was in the service all the time. It was the result of conditions on the war front. He got separated from his unit. He immediately joined another unit and continued in service and was in good standing when the war closed.

Mr. FULBRIGHT. In other words, the facts are that he was not a deserter but the records are erroneous?

Mr. STAFFORD. Yes. All this bill does——

Mr. BOWMAN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. BOWMAN. All that has been said about desertion does not apply to this particular case, because this young fellow was not a deserter.

Mr. FULBRIGHT. Well, where a soldier has not deserted and the record shows he has, that ought to be corrected regardless of the policy of any committee.

Mr. BACHMANN. As I understand, there is no objection to this particular case in this instance.

Mr. STAFFORD. Neither will it establish a precedent.

Mr. BACHMANN. That is what the gentleman from Alabama and myself are interested in. If we are establishing some policy in correcting these records of World War veterans, let us follow the same policy with respect to all of them that come here and not pick out a few and refuse to correct the others.

Mr. STAFFORD. We have not been picking out individual cases. This is a meritorious case, which can not be considered as a precedent.

Mr. PATTERSON. In view of that explanation and in view of the fact that it is not acting as a precedent, I will withdraw the objection.

Mr. LOZIER. Reserving the right to object, and I shall not object, but apropos of the suggestion made by the gentleman from West Virginia that the committee announce a definite policy with reference to what its action or policy would be on certain classes of cases, is this not true, that the Claims Committee is created to afford relief in meritorious cases where the law, by reason of its universality, furnishes no adequate relief; and is it not also true that this Claims Committee can not, in the efficient discharge of its duties, make a hard-and-fast rule to apply to any given class of cases, but must consider each case on its merits in order to determine whether or not they should be given relief which can not be obtained under the general law?

Mr. STAFFORD. In the performance of my duty, at the request of the present minority leader, and for 28 years back, I have felt obliged to object to bills where they singled out some individual for favoritism where Congress should have adopted a general uniform policy. There is no reason why the committees of this House, for instance, in the administration of the pensions of old soldiers who are inmates of soldiers' homes, instead of singling out one favored individual, because he happens to have a friend in court and a Member of Congress, should not pass some general legislation to extend relief to all similarly situated.

I am fundamentally opposed to this policy of special acts, especially where general legislation can be enacted which will apply to all similarly circumstanced.

Mr. COCHRAN of Missouri. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is, Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged members of the military and naval forces of the United States and their dependents Basil N. Henry, late of Company A, Three hundred and forty-eighth Machine Gun Battalion, American Expeditionary Forces, World War, shall hereafter be held and considered to have been honorably discharged on the 17th day of February, 1919: *Provided*, That no pension, pay, or allowances shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 11, at the beginning of the line, insert the words "bounty, back."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. GLOVER. Mr. Speaker, I ask unanimous consent to proceed for three minutes out of order.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent to proceed for three minutes out of order. Is there objection?

Mr. BACHMANN. Mr. Speaker, reserving the right to object, does the gentleman expect to discuss something with respect to the Private Calendar?

Mr. GLOVER. I do not.

Mr. BACHMANN. While I hate to do so, I must respectfully object at this time, because we are considering the Private Calendar, and this day was set aside for that purpose.

Mr. GLOVER. I want to speak a minute or two with respect to a matter affecting a citizen of my district who came here to-day. We have been discussing a lot of matters that have not had to do with the Private Calendar.

Mr. BACHMANN. As I said to the gentleman, I have no reason for objecting other than that this time has been set aside for the consideration of the Private Calendar, and heretofore we have followed the rule that when that time has been set aside only matters pertaining to the Private Calendar should be discussed. Therefore, I must object.

PETER GUILDAY

The Clerk called the next bill, H. R. 1040, for the relief of Peter Guilday.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Peter Guilday (name borne on the rolls as Peter Gilday and also as Peter Gilday), of Company F, Fifth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization: *Provided*, That no pension or pay shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Page 1, line 10, after the word "organization," insert "on the 11th day of February, 1901."

Page 1, line 10, after the word "*Provided*," strike out "That no pension or pay shall be held to have accrued prior to the passage of this act" and insert "That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

GUY CARLTON BAKER

The Clerk called the next bill, H. R. 1183, to correct the records of the War Department to show that Guy Carlton Baker and Calton C. Baker or Carlton C. Baker is one and the same person.

Mr. STAFFORD. Mr. Speaker, I notice that the author of the bill is present. I wish to say I have given more than passing consideration to this bill. It is fundamental in the legislation reported out of the Committee on Military Affairs that we should not change the military record——

Mr. GLOVER. Mr. Speaker, as time is so valuable I demand the regular order.

Mr. STAFFORD. Will the gentleman withhold his demand for the regular order for just one minute?

Mr. GLOVER. I think our time is so important that I should not. I demand the regular order.

The SPEAKER pro tempore. The regular order is: Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

WILLIAM H. ESTABROOK

The Clerk called the next bill, H. R. 1187, for the relief of William H. Estabrook.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William H. Estabrook, who was a member of Company I, Eleventh Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 3d day of January, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

SAMUEL HOOPER LANE

The Clerk called the next bill, H. R. 1194, for the relief of Samuel Hooper Lane, alias Samuel Foot.

There being no objection, the bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Samuel Hooper Lane, alias Samuel Foot, shall be hereafter held and considered to have been honorably discharged from the military service of the United States as a teamster of Company F, Fourteenth Regiment Michigan Volunteer Infantry, on July 19, 1862, and as a private of Battery 1, Fifth Regiment United States Artillery, on July 20, 1865: *Provided*, That no pension, back pay, or back allowances shall be held to have accrued by virtue of the passage of this act.

Mr. BACHMANN. Mr. Speaker, I move that the proviso be amended so that it will be in the regular form.

The SPEAKER pro tempore. The gentleman from West Virginia offers amendments, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. BACHMANN: Page 1, line 10, after the word "pay" and the comma, strike out the words "or back" and insert in lieu thereof the words "bounty, or."

In line 11, after the word "accrued," strike out the words "by virtue of" and insert in lieu thereof the words "prior to," so that as amended the proviso will read: "*Provided*, That no pension, back pay, bounty, or allowance shall be held to have accrued prior to the passage of this act."

The amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM H. MURPHY

The Clerk called the next bill on the Private Calendar, H. R. 1219, correcting the military record of William H. Murphy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws William H. Murphy, late of Company K, First Regiment West Virginia Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States on July 8, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

The title was amended to read as follows: "A bill for the relief of William H. Murphy."

A motion to reconsider was laid on the table.

GEORGE W. GILMORE

The Clerk called the next bill on the Private Calendar, H. R. 1314, for the relief of George W. Gilmore.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers George W. Gilmore, who was a member of Company A, Thirty-third Regiment Kentucky Volunteer Infantry, shall hereafter be held and considered to have been mustered in August 1, 1862, to have served honorably, and to have been honorably discharged from the military service of the United States as a member of that organization on the 23d day of December, 1862: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

JOSEPH M. BLACK

The Clerk called the next bill on the Private Calendar, H. R. 1315, for the relief of Joseph M. Black.

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I do not believe this bill ought to be passed in its present form. It should be amended so that it sets forth the facts. I notice it is a little different from the ordinary form that is followed in this class of cases. I want to suggest some perfecting amendments when the time comes, if there is no objection to the bill.

Mr. COCHRAN of Missouri. There is absolutely no objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights upon honorably discharged soldiers, their widows and dependent relatives, Joseph M. Black shall hereafter be held and considered to have been in the military service of the United States as a private in Company I, Fifty-eighth Regiment Indiana Volunteer Infantry, from December 3, 1861, and to have been honorably discharged October 24, 1862: *Provided*, That no back pay, pension, bounty, or allowances shall be held to have accrued prior to the passage of this act.

Mr. BACHMANN. Mr. Speaker, I offer amendments. In line 5, after the word "Black," insert "late of Company I, Fifty-eighth Regiment Indiana Volunteer Infantry," and in line 10, in front of the word "October," insert the word "on," and in line 10, after the figures "1862," insert the following: "from the military service of the United States as a private of said company," and strike out in lines 6 and 7 the words "been in the military service of the United States as a private in."

The SPEAKER pro tempore (Mr. RAYBURN). The Chair would suggest that in view of the number of amendments it would be a very good idea to pass the bill over temporarily.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill may be passed over temporarily.

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

There was no objection.

JOHN COSTIGAN

The Clerk called the next bill on the Private Calendar, H. R. 1316, for the relief of John Costigan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights upon honorably discharged soldiers, their widows, and dependent relatives, John Costigan shall hereafter be held and considered to have been in the military service of the United States as a private in Company D, Fifth Regiment United States Cavalry, from March 27, 1878, and to have been honorably discharged May 31, 1881: *Provided*, That no back pay, pension, or other back allowance shall accrue by reason of the passage of this act.

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

A motion to reconsider was laid on the table.

GRANVILLE W. HICKEY

The next business on the Private Calendar was the bill (H. R. 1379) for the relief of Granville W. Hickey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Granville W. Hickey, who was a member of Company C, Twentieth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organi-

zation on the 13th day of December, 1898: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

MAURICE J. O'LEARY

The next business on the Private Calendar was the bill (H. R. 1380) for the relief of Maurice J. O'Leary.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Maurice J. O'Leary, who was a member of Company D, Fourth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 18th day of September, 1891: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

GEORGE A. COLE

The next business on the Private Calendar was the bill (H. R. 1384) for the relief of George A. Cole.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers George A. Cole, who was a member of Troop F, First Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on June 15, 1902: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

JOSEPH W. JONES

The next business on the Private Calendar was the bill (H. R. 1618) for the relief of Joseph W. Jones.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Joseph W. Jones, who was a private in Troop K, First Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 16th day of August, 1864: *Provided,* That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 10, strike out the words "or bounty" and insert "bounty or allowances."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

GASTON M. JANSON

The next business on the Private Calendar was the bill (H. R. 1695) for the relief of Gaston M. Janson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Gaston M. Janson, who was a member of Ninth Tank Company, Thirteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 18th day of January, 1927: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

WILLIAM H. CONNORS

The next business on the Private Calendar was the bill (H. R. 1696) for the relief of William H. Connors.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William H. Connors, who was a member of Battery C, Sixth Regiment United States Field Artillery, Fort Bliss, Tex., shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 6th day of July, 1925: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, after the word "the," strike out the words "6th day of July, 1925" and insert "14th day of October, 1914."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

VANRENSLEAR VANDERCOOK, ALIAS WILLIAM SNYDER

The next business on the Private Calendar was the bill (H. R. 1720) for the relief of Vanrenslear VanderCook, alias William Snyder.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Vanrenslear VanderCook, alias William Snyder, who was a private in Company A, First Regiment Michigan Volunteer Infantry, Civil War, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on July 10, 1863: *Provided,* That no back pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

HARVEY O. WILLIS

The next business on the Private Calendar was the bill (H. R. 2004) for the relief of Harvey O. Willis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Harvey O. Willis, who was a member of Company F, Eighth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 19th day of July, 1898: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MALCOLM ALLEN

The next business on the Private Calendar was the bill (H. R. 2010) for the relief of Malcolm Allen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Malcolm Allen, who was a member of Company B, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 12th day of June, 1899: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOSEPH PHANEUF

The next business on the Private Calendar was the bill (H. R. 2195) for the relief of Joseph Phaneuf.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Joseph Phaneuf, otherwise known as Joe Faneuf, late of Company A, Ninety-eighth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 12th day of November, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended to read: "A bill for the relief of Joseph Phaneuf, otherwise known as Joe Faneuf."

DOCK LEACH

The next business on the Private Calendar was the bill (H. R. 2285) for the relief of Dock Leach.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Dock Leach, who was a member of Company H, Twenty-seventh Regiment United States Colored Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 21st day of September, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

NELSON M. HOLDERMAN

The next business on the Private Calendar was the bill (H. R. 2701) for the relief of Nelson M. Holderman.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. There is no question that this retired officer has a most illustrious record on the field of battle in the World War.

Mr. SWING. He is one of the heroes of the war.

Mr. STAFFORD. I take it from the report that that heroism has been recognized by various honors bestowed upon him since the close of the war.

Mr. SWING. By Italy, by France, by Belgium, and by the United States.

Mr. STAFFORD. It is only a question of whether we should adopt the exceptional proposal, which has not been heretofore adopted by this Congress, of giving him a higher rank than that which he holds by virtue of his service. The War Department is very strongly opposed to our singling out any one individual for recognition by congressional action. I do not think there is any question but that his heroism has been given recognition since he was retired. After his retirement with honorable discharge on October 31, 1919, the record shows that he was reappointed as a captain of Infantry in the Regular Army on July 1, 1920, and that he was retired March 17, 1926, and I believe to-day is getting three-quarters pay. He has also been awarded the congressional medal of honor. Even though this soldier has that record, why should we adopt the policy of singling out one soldier for preferred recognition?

Mr. SWING. Mr. Speaker, I think that is a fair question. This bill, in the language that it is in now, was prepared by Colonel Wainwright, a former Assistant Secretary of War and a former distinguished Member of this House, and a member of the Committee on Military Affairs. He himself thought it was appropriate to do this under all of the circumstances. The gentleman from Wisconsin notices that there is not a single dollar of burden placed upon the Government by virtue of the bill.

Mr. STAFFORD. There is no question of a financial burden, but the question is, as pointed out by the Acting Secretary of War, as far back as 1928, whether we should single out one person for preferential recognition, in view of the fact that there are many instances where Congress could single out others for similar recognition.

Mr. SWING. There were three officers in this Lost Battalion, Lieutenant Colonel Whittlesey, Captain McMurtry, and Captain Holderman. Holderman commanded the right, McMurtry had the left, and Whittlesey, as commanding officer, had the center. This captain exposed himself during that long grilling, endless night-and-day battle, and was wounded not once but many times. He refused to give up his command and stayed with his men throughout all that time, although suffering severely from his wounds, and only when they were relieved by the expedition which finally broke through the German ring did he consent to go to the hospital. Promotions were made within the next few weeks, and because Holderman was in the hospital he did not get the promotion he would have gotten and which the other two men did get, because during the war promotions were based solely on availability. Because he was shot through and through and was flat on his back, he could not be considered as an effective and was not available for promotion. Therefore, through his self-sacrifice, encouraging his men and supporting the forces and helping win the fight, he was discriminated against in that way and lost his chance of promotion. This is a little thing for Congress to do, but we should do it.

Mr. STAFFORD. Was not that service recognized when he was given a captaincy in 1920 and continued in service for six years?

Mr. SWING. Oh, he was a captain before that.

Mr. STAFFORD. There was no obligation on the Government to invite him back into the service in 1920 when we were reducing the officer personnel of the Army by a thousand men or more.

Mr. SWING. He got his captaincy in the Regular Army through the severest competition by examination. That was not a recognition of his war services.

Mr. STAFFORD. Will we be hounded by other bills seeking recognition of promotion through an advanced grade if we allow this bill to pass?

Mr. SWING. I think not. Here is a man who was one of the outstanding heroes of the war, and the least this Congress can do is to give him the rank which he earned and which he was at the time unable to avail himself of because he was in the hospital suffering from injuries.

Mr. STAFFORD. The Secretary of War states there are hundreds of such instances where we could give due recognition——

Mr. SWING. Oh, that is a rhetorical flourish on the part of the War Department. There are not hundreds of instances. The record of this man shows that he was one of the outstanding heroes of the war.

Mr. STAFFORD. That was the particular aspect which was disturbing me, but I will take a chance and withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to issue to Nelson M. Holderman, now captain, United States Army, retired, a commission as major of Infantry, United States Army, with rank from October 9, 1918, and an honorable discharge therefrom as of October 21, 1919, he having been regarded as ineligible for promotion to the grade of major due to physical disability incident to the service: *Provided*, That no pay or allowance shall accrue by reason of the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH M. BLACK

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to return to Calendar No. 57, the bill (H. R. 1315) for the relief of Joseph M. Black.

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

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 1315) for the relief of Joseph M. Black.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights upon honorably discharged soldiers, their widows and dependent relatives, Joseph M. Black shall hereafter be held and considered to have been in the military service of the United States as a private in Company I, Fifty-eighth Regiment Indiana Volunteer Infantry, from December 3, 1861, and to have been honorably discharged October 24, 1862: *Provided*, That no back pay, pension, bounty, or allowances shall be held to have accrued prior to the passage of this act.

Mr. COCHRAN of Missouri. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN of Missouri: Strike out all after the enacting clause and substitute in lieu thereof the following:

"That in the administration of the pension laws or any laws conferring rights upon honorably discharged soldiers, their widows and dependent relatives, Joseph M. Black, late of Company I, Fifty-eighth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged on October 24, 1862, from the military service of the United States as a private of said company: *Provided*, That no back pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

RICHARD A. CHAVIS

The next business on the Private Calendar was the bill (H. R. 3465) for the relief of Richard A. Chavis.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GRISWOLD. Mr. Speaker, reserving the right to object, by unanimous report of this committee, this soldier was not only a deserter but was apprehended and convicted by court-martial and was a deserter at the time his company was mustered out, after having been taken back into the service. It seems to me such a bill would be an injustice to the men who served honorably in that same company.

Mr. FULMER. May I state to the gentleman that this bill was reported at the last session of Congress by the committee and passed the House, and it died in the closing days of the Senate. I am glad to have this opportunity to make a statement in connection with the bill. I have known this old veteran ever since I was a boy. He volunteered and entered the service above the average age. He is a very old man to-day, a small tenant farmer, absolutely physically unable to do a day's work. He has suffered under this for thirty-odd years. He is absolutely unable to make a living for himself and family to-day. If there is a meritorious bill on this calendar, it is this bill. We pass similar bills every time we consider bills on the Private Calendar. The War Department in making a report on this bill did not make an unfavorable report, but left it to the committee. I am sure if the gentleman had a glimpse into the home of this old veteran, he would not for a moment object to this bill but would be glad to give it a chance to go to the Senate.

Mr. GRISWOLD. Is it the idea of the gentleman that we pass the discharges not on account of justification but on account of the need of the veteran at this time?

Mr. FULMER. Well, knowing this veteran as I do, he being a very illiterate man, I contend that in this and similar bills we should give our approval. Even the committee in its report stated that it gathered from the letters written in behalf of this veteran that he was weak mentally and that he should receive relief at the hands of Congress. During the past thirty-odd years since his discharge he has been faithful and has lived an honest life. He is a poor man without any property whatever, moving from one farm to another with his family as a tenant. It is not only a meritorious case but a very pitiful case, and I hope the gentleman will withdraw his objection.

The SPEAKER pro tempore. Is there objection?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Richard A. Chavis, who served as a member of Company L, Second South Carolina Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from said service on the 19th day of April, 1899: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

With the following committee amendment:

Page 1, line 10, strike out the word "accrue" insert the words "be held to have accrued."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAUL JELNA

The next business on the Private Calendar was the bill (H. R. 3528) for the relief of Paul Jelna.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows or dependent relatives, Paul Jelna, who was a private of Company A, Twenty-ninth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on November 30, 1902: *Provided*, That no back pay, pension, or other emolument shall accrue prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

ELIZABETH MONCRAVIE

The next bill on the Private Calendar was the bill (H. R. 3559) for the relief of Elizabeth Moncravie.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John W. Moncravie, alias John Wisner, deceased, who was a member of Company G, One hundred and seventeenth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 1st day of November, 1862: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

HENRIETTA SEYMOUR, WIDOW OF JOSEPH H. SEYMOUR, DECEASED

The next business on the Private Calendar was the bill (H. R. 3608) for the relief of Henrietta Seymour, widow of Joseph H. Seymour, deceased.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, privileges, or benefits upon the widows of honorably discharged soldiers Joseph H. Seymour, deceased, shall hereafter be held and considered to have been honorably discharged from the military service of the United States in Company H, Second Regiment Missouri Volunteer Infantry, on the 15th day of March, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROSSETTA LAWS

The next business on the Private Calendar was the bill (H. R. 3609) for the relief of Rosetta Laws.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon widows of honorably discharged soldiers, William Laws, who was a member of Company F, Twentieth Regiment United States Colored Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 6th day of October, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. I just want to call the attention of my friend from Wisconsin, Mr. SCHAFER, to the unjust stricture that he put on his hard-working colleague from Wisconsin [Mr. STAFFORD], who is, in my judgment, one of the most valuable men in the House.

Whether you agree with him or not, every Member present must in justice admit that the gentleman from Wisconsin [Mr. STAFFORD] is one of the most earnest, conscientious, faithful, and hard-working Members of this House. He is always on the floor when business of importance is being transacted. He is hard at work in his office both early and late during the time this House is not in session. He is ever alert in fighting against measures which he deems against the interest of the people. He is one of the best parliamentarians in the House. And I believe in "giving the devil his due." While the gentleman is a partisan Republican and I am a partisan Democrat, nevertheless, I have the highest respect and admiration for his public service to the Nation.

To show how very important it is that the gentleman from Wisconsin [Mr. STAFFORD] and others of us stand watch here, I call attention to the fact that just now, with this Private Calendar grinding away, with a great majority of 75 private bills having been passed to-day by the House, we have at this hour exactly 13 Republican Members of the minority on the floor and 41 Democrats of the majority, and most of them have bills on this calendar. If you did not have sane rules, such as we have been operating under for the last 150 years, what do you suppose would happen to the people who pay the taxes of the country? That is all I wanted to say.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BACHMANN. Mr. Speaker, I make the point of order of no quorum.

Mr. SWING. Mr. Speaker, I will ask the gentleman from West Virginia to withhold his point of order in order that the gentleman from Arkansas [Mr. GLOVER] may have three minutes in which to speak about matters of importance in his district.

Mr. BACHMANN. Mr. Speaker, I will withhold my point of no quorum.

HARVEY C. COUCH

Mr. SWING. Mr. Speaker, I ask unanimous consent that the gentleman from Arkansas may address the House for five minutes.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the gentleman from Arkansas may address the House for five minutes. Is there objection?

There was no objection.

Mr. GLOVER. Mr. Speaker, I am sorry to interfere with the progress of legislation in order to speak for a moment in behalf of a friend of mine.

I was very much surprised this afternoon when the gentleman from Nebraska [Mr. HOWARD] called up a resolution which he had introduced with reference to Harvey W. Couch. At that time I thought he had reference to my friend Harvey C. Couch. Evidently the gentleman had in mind one man and the President had in mind another when he appointed Harvey C. Couch as a member of the Reconstruction Finance Corporation, recently established.

I want to say it has been my pleasure to know this gentleman for many years. He lives in my district. I will say for him that he is not only a Democrat but he is one of the best business men in the United States. I want to congratulate the President of the United States for exercising such splendid judgment in selecting men of the character of Harvey C. Couch—not Harvey W. Couch—to fill positions in that corporation. I regard him as one of the great commoners of America. He is a man who grew up in poverty. By his honesty and by efficiency in business he has advanced himself to the position he now occupies.

The gentleman said in his resolution that if it would not embarrass his friends, he would like to know who recommended him to the President. I want to say to my friend that every friend that Harvey Couch has—and they are numbered by the men who know him—would not hesitate for a moment to endorse him as a business man and as a gentleman. I do not believe a better selection could have been made. If the gentleman from Nebraska wants this information with reference to the gentleman who was appointed, and not Harvey W. Couch, I am sure he can get that information by application to either of the gentlemen from Arkansas.

I want to say that I think this was wholly improper, and I congratulate our great Speaker for ruling correctly that kind of attack out of order.

I want to say again that the President of the United States did not have to have indorsements from others with reference to this gentleman, because when the Great War was on they served side by side in our great State of Arkansas and other parts of this Nation trying to relieve distress. There is where a friendship grew up between the President of the United States and this great man, who has been honored by appointment to this corporation. He has been tried in times of distress; the President knew him and did not need indorsements from anybody. He knows he is a great man and can honorably fill the position to which he has been appointed.

Mr. SCHAFER. Will the gentleman yield?

Mr. GLOVER. Yes.

Mr. SCHAFER. I want to congratulate the gentleman, the leader of the Democratic Party, for saying a good word in behalf of the President of the United States, President Hoover.

Mr. GLOVER. I want to say to the gentleman from Wisconsin I am not one of the kind that would throw a hindrance in the way of the President of the United States, who is now struggling to get us out of the condition we are in, and I certainly would not stand on the floor of this House and criticize a great man who is appointed to a position of trust of this kind.

I say that the best hope we have of the two billion corporation bill is the appointment of Harvey C. Couch as one of the men to administer it.

GUY CARLTON BAKER

Mr. MAPES. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 1183) to correct the records of the War Department to show that Guy Carlton Baker and Calton C. Baker or Carlton C. Baker is one and the same person.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, as I get along in mature years, I become more and more a man of peace. I do not like to take out against any of my colleagues the resentment that they show me

on the floor of the House. When this bill was under consideration originally, without ample time being given for its consideration, the regular order was demanded by a certain gentleman who has just recently addressed the House, and I was compelled to enter an objection.

Under a reservation of objection, I shall now resume where I left off before the regular order was then demanded.

Mr. GLOVER. The gentleman from Arkansas does not have any objection whatever to returning to the bill.

Mr. STAFFORD. The gentleman might have reserved his objection so that we might have had five minutes to consider the bill, because otherwise we do not get time on the floor of the House to discuss such matters.

As I said before, this bill attempts to direct the War Department to change their records. If there is anything fundamental in the history of legislation, it is that the War Department declines to change its records. In this case there is a soldier who performed one month's service back in the War of 1812 and some relative thinks or has some imaginings that a certain person who served in that war, who in the records of the War Department is shown by one name, should bear a different name. I think the gentleman is pressing the precedents of the legislation of the House pretty far when he asks to have the records conform to show that Guy Carlton Baker, Calton C. Baker, and Carlton C. Baker are one and the same person.

Mr. BACHMANN. Were there two enlistments in that case?

Mr. STAFFORD. No; there was one person back in the War of 1812, who, according to the records, performed one month's service.

Mr. LAGUARDIA. Is he still alive?

Mr. STAFFORD. No; this is a genealogy case.

Mr. LAGUARDIA. I see. She probably wants to join the Daughters of the American Revolution.

Mr. STAFFORD. In view of the fact that we have not a precedent for changing the military records, why should we in this instance attempt to pass this bill?

Mr. MAPES. Mr. Speaker, of course it must be admitted that there is no great national policy involved in this particular piece of legislation. The gentleman from New York has referred to the Daughters of the American Revolution. It so happens that the party interested in this legislation is a member of the Daughters of the American Revolution. This is one of her ancestors, and the name is incorrectly upon the records of the War Department. He served in the War of 1812 and the War Department admittedly has the name incorrectly on its records. I see no objection to our passing this bill to correct that record. It may be a matter of sentiment to some extent, but it is a question of the integrity of the record as well.

Mr. STAFFORD. In view of the declared policy of the War Department that the Congress should not adopt a policy of changing the records of the department, where are the facts to warrant us in saying, as this woman claims, that this correction should be made?

Mr. MAPES. What possible objection could there be to doing this? The record ought to be correct, and it is not in this instance.

Mr. STAFFORD. The fundamental policy of not changing the records of the War Department.

True, it only relates to the changing of the Christian name, but in view of the fundamental policy referred to, I feel constrained to object.

Mr. MAPES. All right, if the gentleman wants to object; but, personally, I can see no reason at all for any objection to this bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. STAFFORD. Mr. Speaker, I object.

SENTIMENT OF IOWA CITIES ON FEDERAL AID

Mr. COLE of Iowa. Mr. Speaker, I ask unanimous consent to address the House for two minutes out of order.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. COLE of Iowa. Mr. Speaker, reference was made yesterday on the floor of the House to the voluminous correspondence on the subject of what is familiarly known as the dole bill, which has been considered at the other end of the Capitol and, happily, defeated, or at least modified into a legislative and financial absurdity—probably in the hope of a veto should it pass both Houses.

In the discussions yesterday it seems to have been assumed, at least by the gentleman from New York [Mr. LAGUARDIA], that the 165 pages in the CONGRESSIONAL RECORD teemed with indorsements of direct Federal aid for unemployed. This assumption is unwarranted, and it proved that the assumer had not read any part of the voluminous correspondence the printing of which cost the taxpayers probably $10,000.

I took the time to read the letters from the mayors of Iowa, my own State. I am proud to say that with one or two minor exceptions these officials not only opposed this Federal dole but many of them condemned it in strong language.

The question submitted by the senatorial committee was not only adroit but it was worded to tempt a favorable reply, and the tempting words may almost be construed into terms of bribery. The question was stated thus:

Do you favor a Federal appropriation to assist the local governments in meeting their emergency burdens?

To this proffered aid the mayors and others approached overwhelmingly replied "no." To substantiate this statement let me quote the answers:

J. H. Ames, city manager, Ames, Iowa: "We do not feel that governmental aid is necessary to assist this city in caring for its relief burdens. * * * Voluntary subscription * * * is preferable to any governmental assistance."

H. H. Canfield, mayor Boone, Iowa: "To the best of my knowledge at the present time no family in this city is suffering for the necessities of life."

Charles D. Huston, mayor Cedar Rapids: "Think communities must solve this problem. National appropriation for farm or other relief is not appealing."

Cedar Rapids, I may say, parenthetically, is my own home city. It is an industrial and railroad city of about 60,000 people. At the beginning of the season it was estimated that $100,000 would be needed for relief during the winter months. Subscriptions were asked, and I am proud to say that instead of $100,000, $170,000 was subscribed. These moneys are not distributed as doles. The men and women out of employment are given employment, most of the work involving city improvements, and those so employed are given an hourly wage, which is intended to be sufficient to provide for the families affected.

O. H. Brown, mayor Council Bluffs: "Federal aid would no doubt help us in rendering more adequate relief, but we do not favor it; we will care for our own."

The unsigned reply from Denison was a simple and emphatic "No."

Parker L. Crouch, mayor, Des Moines: "I am not in favor of a Federal appropriation to assist local governments in meeting their emergency relief burdens. In my opinion, to increase the taxpayers' burdens would prolong the depression and increase unemployment."

C. F. Findlay, mayor, Fort Dodge: "I have not favored Federal appropriations to assist local governments in meeting their emergency relief burdens. I know there are those who advocate Federal aid and State aid, but I have not been won over to that method of furnishing aid to the needy. I believe it is a local problem."

Frank N. Choate, mayor, Glenwood: "Yes." (Glenwood is not an industrial city and probably has little or no unemployment.)

Fred W. Long, mayor, Keokuk: "I have not been favorable to Federal appropriation for this emergency work for our State, though I realize that in many localities the State authorities might need assistance from the Federal Government."

J. B. Harrison, mayor, Maquoketa: "The number of unemployed is small. In fact, we have a certain few every year, the same ones, and they are on the county; some won't work. Sorry we can't use the money if you are passing it out."

P. F. Hopkins, city manager, Mason City: "If it can be fairly done; but I do not believe that Federal relief will ever meet the problem. It belongs to industry, and industry will not accept it."

Herbert G. Thompson, mayor, Muscatine: "Yes." But this mayor would prefer a more constructive policy and asks, "Why not provide * * * that industrial plants with equipment and orders may obtain a loan sufficient to purchase the raw material to put idle men to work? That would be a permanent constructive program."

T. A. Pickens, mayor, Newton: "We have no bread lines and no one is suffering for the necessities." (Newton is an industrial city, specializing in washing machines.)

Leon C. Knapp, mayor, Oelwein: "Believe any such aid would be spread too thin to be very effective. If large enough to be effective might retard recovery. Favor paying as we go, if possible."

Oskaloosa, without signature printed: "No."

J. B. Tourgee, Sac City: "I have asked several officers and business men if they favor Government aid. So far I have not found a person who does. Personally I do not. Nothing should be done to increase the tax burden of the people. No relief can be given from the Public Treasury without taxing the people to replace it. This should never be done."

Valley Junction, without signature printed: "Yes." (Valley Junction is a suburb of Des Moines and is largely a railroad town.)

These replies mean what they say, and they mean that Iowa for one State will carry its own burdens. That State is not coming to Washington, hat in hand, to ask alms out of the Federal Treasury.

There is nothing easier than to ask some one else to do it, and there is nothing finer than to do it ourselves.

The people of Iowa are not deluded about this matter. What is taken out of the Federal Treasury has to be put there through taxes. Money is not made in Washington. It is only extracted from the people. There is nothing that ought to be viewed with more alarm than the increasing tendency to appeal to Washington. There are now bills pending involving $29,000,000,000 of money. In other words, if the bills that have been introduced should all be passed, the Government of the United States would be adding $29,000,000,000 to its deficit.

To meet such obligations some would issue the bonds of the Government at a time when so many bonds are outstanding that they have fallen below par, and are almost a drug on the market. Add any considerable part of this $29,000,000,000 to these bonds and what would become of the credit of the United States? It would be bankrupted and with this bankruptcy all business would be disturbed and instead of relief we would multiply the depression.

As a citizen of Iowa and one of its representatives in Congress, I am proud of the fact that this correspondence shows that the people of that State have not been misled by this socialistic and communistic crusade. [Applause.]

THE PRIVATE CALENDAR

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that we may proceed with the Private Calendar on Thursday of next week.

Mr. BACHMANN. Does the gentleman mean cases unobjected to will be considered only?

Mr. RAINEY. Yes; we will proceed with the Private Calendar, beginning at the star.

Mr. BACHMANN. And not to return to bills unobjected to?

Mr. RAINEY. No; certainly not.

The SPEAKER. The gentleman from Illinois asks unanimous consent that next Thursday bills on the Private Calendar unobjected to may be considered in the House as in Committee of the Whole, beginning at the star. Is there objection?

Mr. BLACK. Reserving the right to object, can not the gentleman get another day?

Mr. RAINEY. No; I tried to get Friday, but that is Lincoln's Birthday. There is no other day available except Thursday.

Mr. BLACK. Thursday is the day before Lincoln's Birthday, and I wanted an opportunity to make a speech on that day.

The SPEAKER. Is there objection?

There was no objection.

THE "LAME-DUCK" RESOLUTION

Mr. RAINEY. I wish to announce to the House that on Friday the so-called "lame-duck" resolution will be called up. I ask unanimous consent that when the House adjourns to-day, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SCHAFER. Mr. Speaker, in the past I have been reading articles in the press criticizing the President for not calling a special session of Congress during the summer months in order to consider and enact legislation to take care of our people. I believe that the House ought not to adjourn over Saturday, and I object.

LEAVE OF ABSENCE

Mr. JACOBSEN, by unanimous consent, was given leave of absence until Wednesday, February 10, on account of the death of a friend.

ADJOURNMENT OVER

Mr. RAINEY. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Illinois moves that when the House adjourns to-day it adjourn to meet on Monday next.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were 62 ayes and 5 noes.

Mr. SCHAFER. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point that no quorum is present. The Chair will count.

Mr. SCHAFER. Mr. Speaker, in view of the fact that the Democratic Party apparently has no legislation ready for consideration to-morrow, I will let the Democrats take the responsibility, and I withdraw my point of no quorum.

So the motion of Mr. RAINEY was agreed to.

ADJOURNMENT

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock p. m.) the House, under its previous order, adjourned until Monday, February 8, 1932, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. RAINEY submitted the following tentative list of committee hearings scheduled for Saturday, February 6, 1932, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INSULAR AFFAIRS

(10 a. m.)

Filipino independence.

COMMITTEE ON FLOOD CONTROL

(10.30 a. m.)

H. R. 4668, dealing with changes and setbacks on the main stem of the Mississippi River.

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10 a. m.)

National defense act.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

427. A letter from the Secretary of War, transmitting a report dated February 1, 1932, from the Chief of Engineers, United States Army, on survey of the Choctawhatchee River, Fla. and Ala. (H. Doc. No. 242); to the Committee on Flood Control and ordered to be printed, with illustrations.

428. A letter from the Secretary of War, transmitting a draft of a bill "to authorize the Secretary of War to acquire, exchange, transfer, and sell certain tracts of real estate, and for other purposes; to the Committee on Military Affairs.

429. A letter from the Secretary of War, transmitting a report dated February 2, 1932, from the Chief of Engineers, United States Army, on preliminary examination and survey of Baudette Harbor, Minn., authorized by the river and harbor act approved July 3, 1930; to the Committee on Rivers and Harbors.

430. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture amounting to $1,450,000 for the fiscal years 1932 and 1933 (H. Doc. No. 243); to the Committee on Appropriations and ordered to be printed.

431. A letter from the Secretary of War, transmitting a report dated February 3, 1932, from the Chief of Engineers, United States Army, on preliminary examination of Big Blue River, Mo., from its confluence with the Missouri River to Fifteenth Street, Kansas City; to the Committee on Rivers and Harbors.

432. A letter from the Secretary of War, transmitting a report dated February 4, 1932, from the Chief of Engineers, United States Army, on preliminary examination of Merrimack River, N. H., and Mass.; to the Committee on Rivers and Harbors.

433. A letter from the Secretary of War, transmitting a report dated February 3, 1932, from the Chief of Engineers, United States Army, on preliminary examination and survey of Hana Harbor, Island of Maui, Hawaii; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LINTHICUM: Committee on Foreign Affairs. H. J. Res. 182. A joint resolution authorizing an appropriation to defray the expenses of participation by the United States Government in the second polar year program, August 1, 1932, to August 31, 1933; with amendment (Rept. No. 371). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALMISANO: Committee on the District of Columbia. S. 2173. An act to authorize associations of employees in the District of Columbia to adopt a device to designate the products of the labor of their members, to punish illegal use or imitation of such device, and for other purposes; without amendment (Rept. No. 374). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALMISANO: Committee on the District of Columbia. S. 9. An act respecting the qualifications of the assessor of the District of Columbia to testify in condemnation proceedings; without amendment (Rept. No. 373). Referred to the House Calendar.

Mr. CONNERY: Committee on Labor. H. R. 8765. A bill to protect labor in its old age; without amendment (Rept. No. 375). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SWING: Committee on the Public Lands. H. R. 406. A bill to validate a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, to Pacific States Box & Basket Co., a corporation, involving certain portions of right of way in the vicinity of the town of Florin, county of Sacramento, State of California, acquired by the Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356); with amendment (Rept. No. 372). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5891) for the relief of W. H. Comrie, jr.; Committee on World War Veterans' Legislation discharged, and referred to the Committee on Claims.

A bill (H. R. 6428) granting a pension to George E. Hilgert; Committee on Invalid Pensions discharged, and referred to the Committee on World War Veterans' Legislation.

A bill (H. R. 524) granting an increase of pension to Mary A. Ashton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1555) granting a pension to Ina Guptill; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3080) granting an increase of pension to Elizabeth Gates Perry; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7285) granting a pension to Mary E. Richley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7417) granting a pension to Annie S. Nealley; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6194) granting an increase of pension to Sophia M. Guard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SUMNERS of Texas: A bill (H. R. 8896) authorizing compacts among States for agricultural and conservation purposes; to the Committee on Agriculture.

Also, a bill (H. R. 8397) to authorize compacts or agreements between States relating to service of process and production of witnesses in criminal cases; to the Committee on the Judiciary.

By Mr. LEAVITT: A bill (H. R. 8898) authorizing the deferring of collection of construction costs against Indian lands within irrigation projects, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 8899) to provide for the acquisition of certain lands for the benefit of the Rocky Boy Indians, Montana, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 8900) providing for transfer in fee simple of the Fort Missoula, Mont., timber reserve to the State of Montana for the use of the University of Montana School of Forestry; to the Committee on the Public Lands.

By Mr. BYRNS: A bill (H. R. 8901) authorizing the selection of a site and the erection of a suitable monument thereon indicating the historical significance of the Chesapeake & Ohio Canal; to the Committee on the Library.

By Mr. HAWLEY: A bill (H. R. 8902) conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon; to the Committee on Indian Affairs.

By Mr. EVANS of Montana: A bill (H. R. 8903) granting certain public lands to the State of Montana for the purpose of erecting, furnishing, and maintaining a State historical library; to the Committee on the Public Lands.

By Mr. DYER: A bill (H. R. 8904) to extend the provisions of section 721, Revised Statutes, so that the general or common law and the equity jurisprudence of the several States shall be regarded as the rule of decision in the Federal courts in cases where they apply; to the Committee on the Judiciary.

By Mr. FULBRIGHT: A bill (H. R. 8905) to amend section 200 of the World War veterans' act, 1924, as amended, by adding to said section a paragraph defining the words "willful misconduct"; to the Committee on World War Veterans' Legislation.

By Mr. LOOFBOUROW: A bill (H. R. 8906) 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 Military Affairs.

By Mr. CONNERY: A bill (H. R. 8907) to authorize the Secretary of the Treasury to acquire land adjoining Lawrence, Mass., post-office site; to the Committee on Public Buildings and Grounds.

By Mr. NELSON of Wisconsin: A bill (H. R. 8908) to amend subsection (f) of section 3360 of the Revised Statutes as amended, relating to the application of the internal-revenue taxes to tobacco growers' cooperative associations; to the Committee on Ways and Means.

By Mr. WILSON: A bill (H. R. 8909) to require purchase and use by executive departments and establishments and by Government contractors and subcontractors of domestic articles and materials; to require the specification of alternate materials for construction; to give preference to materials and articles produced, grown, or manufactured locally; and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. BALDRIGE: A bill (H. R. 8910) authorizing the city of Omaha, Nebr., to construct, maintain, and operate a toll bridge across the Missouri River, at or near O'Hern Street, South Omaha, Nebr., and to acquire, maintain, and operate the existing toll bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNOR: A bill (H. R. 8911) to incorporate the Big Brother and Big Sister Federation, and for other purposes; to the Committee on the District of Columbia.

By Mr. SABATH: A bill (H. R. 8912) to suppress fraudulent practices in the promotion or sale of stocks, bonds, and other securities sold or offered for sale within the District of Columbia; to register persons selling stocks, bonds, or other securities; and to provide punishment for the fraudulent or unauthorized sale of the same; to the Committee on the District of Columbia.

By Mr. McKEOWN: A bill (H. R. 8913) providing for the filing of an affidavit declaring the plaintiff has not violated the antitrust laws of the United States in actions at law and in equity in the United States courts, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAVITT: A bill (H. R. 8914) to accept the grant by the State of Montana of concurrent police jurisdiction over the rights of way of the Blackfeet Highway and over the rights of way of its connections with the Glacier National Park road system on the Blackfeet Indian Reservation in the State of Montana; to the Committee on the Public Lands.

By Mr. LUCE: A bill (H. R. 8915) to prevent discriminations against American ships and ports, and for other purposes; to the Committee on Ways and Means.

By Mr. SABATH: A bill (H. R. 8916) to provide for a capital issues commission, to define its powers and duties, and for other purposes; to the Committee on Banking and Currency.

By Mr. HANCOCK of New York: A bill (H. R. 8917) to amend an act entitled "An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law," approved March 4, 1929; to the Committee on Immigration and Naturalization.

By Mr. LEAVITT: A bill (H. R. 8918) to authorize the collection of penalties and fees for stock trespassing on Indian lands; to the Committee on Indian Affairs.

By Mr. NELSON of Wisconsin: A bill (H. R. 8919) to amend subsection (f) of section 3360 of the Revised Statutes, as amended, relating to the application of the internal-revenue taxes to tobacco growers' cooperative associations; to the Committee on Ways and Means.

By Mr. JOHNSON of Missouri: A bill (H. R. 8920) to amend section 200 of the World War veterans' act, 1924, as amended, by adding to said section a paragraph defining the words "willful misconduct"; to the Committee on World War Veterans' Legislation.

By Mr. LICHTENWALNER: A bill (H. R. 8921) to authorize the erection of a United States Veterans' Bureau hospital in Lehigh County, Pa.; to the Committee on World War Veterans' Legislation.

By Mr. REILLY: A bill (H. R. 8922) to amend section 29 of the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. LEAVITT: A bill (H. R. 8923) authorizing transfer of an unused portion of the United States Range Livestock Experiment Station, Montana, to the State of Montana for use as a fish-cultural station, game reserve, and public recreation ground, and for other purposes; to the Committee on the Public Lands.

By Mrs. OWEN: A bill (H. R. 8924) to apply the benefits of pension laws to contract surgeons; to the Committee on Pensions.

By Mr. THATCHER: A bill (H. R. 8925) to authorize the construction of a George Rogers Clark memorial lighthouse on the Ohio River at or adjacent to the city of Louisville, Ky.; to the Committee on the Library.

By Mr. LICHTENWALNER: A bill (H. R. 8926) to provide for the erection at Weiser Park, near Womelsdorf, Berks County, Pa., of a memorial to commemorate the services of Col. Conrad Weiser (1696–1760), Indian interpreter, colonial patriot, and friend of George Washington; to the Committee on Military Affairs.

By Mr. ALMON: A bill (H. R. 8927) to provide annuities for certain persons not within the provisions of the retirement laws; to the Committee on the Civil Service.

By Mr. LUDLOW: A bill (H. R. 8928) to amend section 71 of the printing act, approved January 12, 1895, and all acts amendatory to said section; to the Committee on Printing.

By Mr. HARLAN: A bill (H. R. 8929) to amend section 600 of the act of March 3, 1901 (31 Stat. 1284; D. C. Code, title 5, sec. 122); to the Committee on the District of Columbia.

By Mr. McGUGIN: A bill (H. R. 8930) to amend the act of July 2, 1890, relating to protection of trade and commerce against unlawful restraints and monopolies; to the Committee on the Judiciary.

By Mr. STEAGALL: A bill (H. R. 8931) to amend Title II of the Federal farm loan act in regard to Federal intermediate credit banks, and for other purposes; to the Committee on Banking and Currency.

By Mr. SABATH: A bill (H. R. 8932) to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. AMLIE: A bill (H. R. 8933) to establish a national economic council; to the Committee on Ways and Means.

By Mr. McFADDEN: Resolution (H. Res. 131) to investigate the activities of the Carnegie Foundation; to the Committee on Rules.

By Mr. BANKHEAD: Resolution (H. Res. 132) providing for the consideration of Senate Joint Resolution 14, proposing an amendment to the Constitution of the United States; to the Committee on Rules.

By Mr. MOORE of Kentucky: Joint resolution (H. J. Res. 277) further restricting immigration into the United States; to the Committee on Immigration and Naturalization.

By Mr. NORTON: Joint resolution (H. J. Res. 278) to honor John Philip Sousa by designating The Stars and Stripes Forever the national march; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial, in the nature of a joint resolution, of the Legislature of Wisconsin memorializing Congress not to increase the excise tax on manufactured tobacco; to the Committee on Ways and Means.

Memorial, in the nature of a joint resolution, of the Legislature of Wisconsin memorializing Congress to at least not reduce the appropriation for the operation of the United

States Forest Products Laboratory; to the Committee on Appropriations.

By Mr. AMLIE: Memorial of the Wisconsin Legislature, relating to the United States forest products laboratory conducted in conjunction with the University of Wisconsin; to the Committee on Appropriations.

Also, memorial of the Wisconsin Legislature, relating to a preferential excise tax on tobacco products manufactured from tobacco purchased from a cooperative marketing association; to the Committee on Ways and Means.

By Mr. WITHROW: Memorial in the nature of a joint resolution of the State of Wisconsin, relating to the United States forest products laboratory conducted in conjunction with the University of Wisconsin; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 8934) granting a pension to Emmie W. Vandiver; to the Committee on Pensions.

Also, a bill (H. R. 8935) granting a pension to Thomas F. Ferguson; to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 8936) granting a pension to Zack H. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 8937) granting a pension to Richard O'Hearn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8938) granting a pension to Dinah Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8939) for the relief of Charles Wells; to the Committee on Military Affairs.

Also, a bill (H. R. 8940) granting an increase of pension to Terese B. Hall; to the Committee on Pensions.

Also, a bill (H. R. 8941) granting an increase of pension to Nathan D. Jordan; to the Committee on Pensions.

By Mr. CONDON: A bill (H. R. 8942) for the relief of Francis L. Gould; to the Committee on Naval Affairs.

By Mr. DOUGHTON: A bill (H. R. 8943) granting a pension to Ben H. Smith; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 8944) granting an increase of pension to Linnie C. Markward; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 8945) for the relief of John K. Weber; to the Committee on Military Affairs.

By Mr. EVANS of California: A bill (H. R. 8946) for the relief of Merle (Mearl) Arthur Lewis; to the Committee on Naval Affairs.

By Mr. FOSS: A bill (H. R. 8947) for the relief of Wilfred Laurent; to the Committee on Military Affairs.

By Mr. FREAR: A bill (H. R. 8948) granting an increase of pension to Margaret Walrod; to the Committee on Invalid Pensions.

By Mr. FULBRIGHT: A bill (H. R. 8949) granting an increase of pension to Winnie Graham; to the Committee on Invalid Pensions.

By Mr. HART: A bill (H. R. 8950) granting a pension to John Parcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8951) for the relief of Floyd L. Green; to the Committee on Military Affairs.

Also, a bill (H. R. 8952) granting a pension to James E. Dennison; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 8953) granting an increase of pension to Margaret A. Taylor; to the Committee on Invalid Pensions.

By Mr. HESS: A bill (H. R. 8954) granting a pension to Estella Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8955) granting a pension to John Westerkamp; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 8956) granting an increase of pension to Maria A. Houston; to the Committee on Invalid Pensions.

By Mr. KEMP: A bill (H. R. 8957) for the relief of the Louisiana Highway Commission and the parish of Iberville, State of Louisiana; to the Committee on Claims.

By Mr. LICHTENWALNER: A bill (H. R. 8958) granting an increase of pension to Helen B. Bower; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 8959) granting an increase of pension to Catherine Weltner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8960) granting an increase of pension to Maggie Ohaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8961) granting a pension to Harvey Dodge; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 8962) granting a pension to the four minor children of Charles H. Wolfe; to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 8963) granting an increase of pension to Sevilla A. Boley; to the Committee on Invalid Pensions.

By Mrs. NORTON: A bill (H. R. 8964) for the relief of Alexander J. Heller; to the Committee on Naval Affairs.

By Mr. PERKINS: A bill (H. R. 8965) granting an increase of pension to Louisa Conklin; to the Committee on Invalid Pensions.

By Mr. PITTENGER: A bill (H. R. 8966) granting a pension to Jane Smith; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 8967) granting an increase of pension to Lucinda P. Ayers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8968) granting an increase of pension to Jenettie E. Evans; to the Committee on Invalid Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 8969) for the relief of Charlie Chapman Fryer; to the Committee on Military Affairs.

By Mr. VINSON of Georgia: A bill (H. R. 8970) to authorize certain officers of the United States Navy and the Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered; to the Committee on Naval Affairs.

By Mr. WOODRUM: A bill (H. R. 8971) granting a pension to Blanche F. O'Beirne; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1325. By Mr. ALDRICH: Petition of the City Council of the City of Providence, R. I., favoring passage of House bill 1, providing for immediate payment of adjusted-service certificates; to the Committee on Ways and Means.

1326. By Mr. AMLIE: Petition of Harry L. Gifford Camp, No. 23, and Auxiliary No. 7, Kenosha, Wis., urging the passage of House bill 7230; to the Committee on Pensions.

1327. Also, petition of Woman's Christian Temperance Union, Milton Junction, Wis., opposing modification of the prohibition law; to the Committee on the Judiciary.

1328. Also, petition of Woman's Christian Temperance Union of Whitewater, Wis., opposing modification of the prohibition law; to the Committee on the Judiciary.

1329. Also, memorial of Polish White Eagle Society, of Kenosha, branch of the Polish National Alliance, urging that October 11 of each year be proclaimed as General Pulaski's memorial day; to the Committee on the Judiciary.

1330. Also, memorial of Polish White Eagle Society, of Kenosha, Wis., branch of the Polish National Alliance, urging passage of resolution to authorize issuance of a special postage stamp in honor of Brig. Gen. Thaddeus Kosciuszko; to the Committee on the Post Office and Post Roads.

1331. By Mr. AYRES: Petition of citizens of Wichita, Kans., in behalf of the maintenance of the prohibitory laws and their enforcement; to the Committee on the Judiciary.

1332. By Mr. BACON: Petition of Court Cardinal Gibbons, No. 616, Catholic Daughters of America, Patchogue, N. Y., in opposition to enactment of Federal department of education bill and infancy and maternity bill, House bills 4757 and 4739, respectively; to the Committee on Education.

1333. Also, petition of residents of Rockville Centre and Lynbrook, Long Island, in opposition to modification, resubmission, or repeal of the eighteenth amendment and prohibition laws; to the Committee on the Judiciary.

1334. By Mr. BOHN: Petition of Trenary (Mich.) Farmers' Cooperative Store, for the support of House bill 491, pertaining to the relief of the sufferers affected by the fire in northeastern Minnesota in October, 1918; to the Committee on Claims.

1335. By Mr. BOYLAN: Resolution adopted by Federal Postal Employees Association of Denver, Colo., protesting against any reduction in the salaries of Federal employees; to the Committee on Ways and Means.

1336. Also, resolution passed at a convention of the New York State Association of Electrical Contractors and Dealers, favoring House bill 4680, to require contractors on Government building projects to name their subcontractors, etc.; to the Committee on Expenditures in the Executive Departments.

1337. By Mr. BUCKBEE: Petition of Owen E. Posner and 141 other citizens of Ottawa, Ill., requesting the immediate cash payment of the soldiers' bonus; to the Committee on Ways and Means.

1338. By Mr. CHRISTOPHERSON: Petition of Woman's Christian Temperanace Unions of Mitchell, Armour, Geddes, Mission Hill, White, Kingsburg, and Springfield, S. Dak., opposing any change in the eighteenth amendment; to the Committee on the Judiciary.

1339. By Mr. CLANCY: Petition of George H. Jones and approximately 2,100 other residents of Detroit, favoring legislation curbing the chain-store system; to the Committee on Interstate and Foreign Commerce.

1340. By Mr. CONDON: Resolution adopted by the City Council of Providence, R. I., approving the passage of House Resolution 1, providing for the immediate payment in cash of the adjusted-service certificates; to the Committee on World War Veterans' Legislation.

1341. By Mr. CORNING: Petition of Mrs. Elmer H. Neumann, president Catholic Women's Service League, Albany, N. Y., protesting the enactment of Senate bill 572 and House bill 7525; to the Committee on Education.

1342. Also, petition of Maude C. Lasch, grand regent Catholic Daughters of America, Albany, N. Y., protesting the enactment of House bill 4757 for Federal control of education; also House bill 4739, known as the infancy and maternity act; to the Committee on Education.

1343. Also, petition of Mary A. O'Leary, president Albany District National Council of Catholic Women, comprising a federation of 33 organizations, protesting the enactment of Senate bill 572 and House bill 7525; to the Committee on Education.

1344. By Mr. CRAIL: Petition of many citizens of Los Angeles County, Calif., protesting against legislation for compulsory Sunday observance or any measure looking toward Government control of religion; to the Committee on the District of Columbia.

1345. Also, petition of many citizens of Los Angeles County, Calif., protesting against any effort to revise, resubmit, repeal, or nullify the eighteenth amendment to the Constitution; to the Committee on the Judiciary.

1346. By Mr. EATON of Colorado: Resolution of Gen. Henry W. Lawton Auxiliary, No. 1, Departments of Colorado and Wyoming, United Spanish War Veterans, in support of House bill 7230, granting increased pensions to widows and minor children of veterans of all wars; to the Committee on Pensions.

1347. Also, resolution of 21 ladies, members of the Auxiliary of the Travelers Protective Association, Post A, Denver, Colo., supporting House bill 7230, granting increased pensions to widows and minor children of veterans of all wars; to the Committee on Pensions.

1348. Also, resolutions of Gen. Henry W. Lawton Camp, No. 1, Departments of Colorado and Wyoming, United Spanish War Veterans, Denver, Colo., supporting House bill 7230, granting increased pensions to widows and minor children of veterans of all wars; to the Committee on Pensions.

1349. By Mr. EVANS of California: Petition signed by 52 people, supporting the maintenance of the prohibition law and its enforcement; to the Committee on the Judiciary.

1350. By Mr. HOGG of West Virginia: Petition of Bluefield Chamber of Commerce, requesting a tariff on imported oils and asking favorable action on House bill 8018; to the Committee on Ways and Means.

1351. By Mr. HOOPER: Petition of Lake Union conference of Seventh-Day Adventists of Battle Creek, Mich., protesting against enactment of the Sunday closing bill, H. R. 8092; to the Committee on the District of Columbia.

1352. By Mr. JOHNSON of Washington: Petition of various and sundry citizens of Pierce and Grays Harbor Counties, State of Washington, opposing any modification or repeal of the eighteenth amendment; to the Committee on the Judiciary.

1353. By Mr. KVALE: Petition of G. A. Wilson and 16 other residents of Hazel Run and Granite Falls, urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

1354. Also, petition of G. S. Anderson and 31 other residents of Appleton, Madison, and Louisburg, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

1355. Also, petition of residents of Hanley Falls and Clarkfield, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

1356. By Mr. LAMBERTSON: Petition of the Woman's Christian Temperance Union and Ministerial Association of Winchester, Kans., with 160 signers, urging the maintenance of the prohibition law and its enforcement and opposing any measure of repeal, modification, and resubmission to the States; to the Committee on the Judiciary.

1357. By Mr. LANHAM: Petition of E. R. McWilliams and 77 other citizens of Texas, petitioning the Congress of the United States to exercise themselves diligently on behalf of world peace, in order that the work of the Geneva conference will be enhanced and the good of mankind served; to the Committee on Foreign Affairs.

1358. By Mr. LINDSAY: Petition of G. Hiller, 219 East Fifty-sixth Street, and 52 other citizens of Brooklyn, N. Y., opposing the abolishment of the citizens' military training camps; to the Committee on Appropriations.

1359. By Mr. MEAD: Petition of American Oil Burner Association, opposing tariff on oil; to the Committee on Ways and Means.

1360. Also, petition of college presidents, deans, professors of education, and other educators, favoring the taking of the War Department out of the field of education; to the Committee on Military Affairs.

1361. By Mr. MURPHY: Petition of Mrs. Emmett A. Rutledge, 16 Prospect Avenue, Bridgeport, Ohio, and 28 others, asking that the prohibition laws be sustained and enforced; to the Committee on the Judiciary.

1362. By Mrs. NORTON: Resolutions of the Hudson County committee of the American Legion of the Department of New Jersey, regarding the abolition of the eighteenth amendment and Volstead Act; the Exchange Club, of Jersey City, regarding the repeal or modification of the eighteenth amendment; and the Foresters of America, Grand Court of New Jersey, pertaining to modification of the Volstead act; to the Committee on the Judiciary.

1363. Also, joint resolution passed by the State of New Jersey, proposing a convention to repeal Article XVIII of the Constitution of the United States; to the Committee on the Judiciary.

1364. By Mr. PARKER of Georgia: Petition signed by William T. Owens and 176 other citizens of Savannah, Ga., urging the maintenance of the prohibition law and protesting against any measure looking toward its modification, resubmission to the States, or repeal; to the Committee on the Judiciary.

1365. By Mr. PERSON: Resolution of Michigan Automobile Trade Association, protesting against the proposed tax on motor vehicles, parts, and accessories, and the proposed Federal fuel tax; to the Committee on Ways and Means.

1366. By Mr. RAINEY: Petition of A. R. Nordmeyer and 49 other citizens of Illinois, favoring the farmers' farm relief act; to the Committee on Agriculture.

1367. Also, petition of Harold E. Parsley and 105 other citizens of Illinois, concerning labor conditions; to the Committee on Labor.

1368. By Mr. RAMSPECK: Petition of Mrs. F. B. Magee, president of the West End Woman's Christian Temperance Union of Atlanta, and 16 other ladies of the Calvary Methodist Episcopal Church mothers' class, urging the maintenance and support 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.

1369. By Mr. REED of New York: Petition of residents of Fredonia, N. Y., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1370. By Mr. RUDD: Petition of George A. Coe, professor of education (retired), teachers' college, Columbia University, New York, favoring the taking of the War Department out of the field of education; to the Committee on Appropriations.

1371. Also, petition of Mansfield B. Snevily, 35 South William Street, New York City, and Ella Mabel Clark, 831 Madison Street, New York City, favoring the passage of the Everglades National Park bill; to the Committee on the Public Lands.

1372. By Mr. SANDERS of New York: Petition of Lawrence E. Seeley and other citizens of Albion, N. Y., supporting the prohibition law and its enforcement and against modification, resubmission, or repeal; to the Committee on the Judiciary.

1373. Also, petition of Grace McNall and other citizens of Albion, N. Y., supporting the prohibition law and its enforcement and against modification, resubmission, or repeal; to the Committee on the Judiciary.

1374. Also, petition of Earl I. Hamlin and other citizens of Albion, N. Y., supporting the prohibition law and its enforcement and against modification, resubmission, or repeal; to the Committee on the Judiciary.

1375. Also, petition of Mrs. Albert G. Rowley and other citizens of Albion, N. Y., supporting the prohibition law and its enforcement and against modification, resubmission, or repeal; to the Committee on the Judiciary.

1376. By Mr. SHOTT: Petition of the Great Kanawha Valley Improvement Association, requesting that hearings be held on the proposed Shipstead-Mansfield bills in order that the proponents may present their views and the facts in support thereof; to the Committee on Rivers and Harbors.

1377. Also, petition of the Bluefield (W. Va.) Chamber of Commerce, favoring as large a tariff on imported oils as possible and to give House bill 8018 fullest measure of support; to the Committee on Ways and Means.

1378. By Mr. SINCLAIR: Petition of 124 adult members of the Fort Berthold Indian Agency, N. Dak., favoring House bill 8505, to authorize natural guardians or Indian Service superintendents to execute deeds conveying the interests of minor Indians where title to trust or restricted lands must pass by approved deed; to the Committee on Indian Affairs.

1379. Also, petition of Mrs. Andrew Oppeboen, secretary Van Hook Local, No. 495, Farmers' Union, on behalf of 80 farmers and taxpayers of Van Hook, N. Dak., and vicinity, demanding the passage of the Frazier, Wheeler, and Swank bills for the relief of agriculture; to the Committee on Agriculture.

1380. By Mr. SMITH of West Virginia: Petition of Mrs. S. Grover Smith, of the Kanawha Valley Chapter, Daughters of the American Revolution, Charleston, W. Va., urging that immigration laws be amended and deportation laws be strengthened, etc.; to the Committee on Immigration and Naturalization.

1381. Also, resolution of the women's department of Humphreys Memorial Methodist Episcopal Church South, opposing the resubmission of the eighteenth amendment; to the Committee on the Judiciary.

1382. Also, resolution of the Cynthia Humphreys Bible class, of Charleston, W. Va., opposing the resubmission of the eighteenth amendment to be ratified by State conventions or State Legislatures; to the Committee on the Judiciary.

1383. Also, petition of Coal Valley News, A. W. Garnett, Virgil Jones, and C. C. Hopkins, asking for a tariff on imported fuel oils; to the Committee on Ways and Means.

1384. By Mr. SPARKS: Petition of Bristow Woman's Christian Temperance Union, sent in by Eunice S. Bliss, Osborne, signed by 30 citizens; citizens of Burr Oak and vicinity, sent in by F. N. Stelson, of Burr Oak, signed by 59, and sponsored by the Woman's Christian Temperance Union; Just a Mere Club of Ness City, sent in by Lydia E. Brown, of Ness City, signed by 11 members, and sponsored by the Woman's Christian Temperance Union; and the Gradatim Club of Ness City, sent in by Mable C. Raffington, of Ness City, signed by 9 members, and sponsored by the Woman's Christian Temperance Union, all of the State of Kansas, protesting against any change in the eighteenth amendment; to the Committee on the Judiciary.

1385. Also, petition of Woman's Christian Temperance Union of Natoma, sent in by Mary E. Gamber and Grace Marlow, of Natoma, representing 22 members; and Woman's Christian Temperance Union of Otego, sent in by Rozetta Fogo, Burr Oak, and Jessie Lewis, Otego, all of the State of Kansas, protesting against any change in the eighteenth amendment; to the Committee on the Judiciary.

1386. By Mr. SPENCE: Petition of citizens of Pendleton County, Ky.; to the Committee on the Judiciary.

1387. By Mr. STRONG of Pennsylvania: Petition of citizens of Johnstown and Clarion, Pa., supporting the eighteenth amendment and its enforcement; to the Committee on the Judiciary.

1388. By Mr. SUMNERS of Texas: Petition of officers' conference of Ellis County (Tex.) Woman's Christian Temperance Union, urging the support and maintenance of the prohibition law and its enforcement; to the Committee on the Judiciary.

1389. By Mr. SUTPHIN: Petition of Woman's Christian Temperance Union of Asbury Park, N. J., against the resubmission of the eighteenth amendment; to the Committee on the Judiciary.

1390. By Mr. SWANSON: Petition of citizens of Anita, Iowa, opposing an excise tax on automobile sales; to the Committee on Ways and Means.

1391. By Mr. SWING: Petition signed by 151 members of the Methodist Episcopal Church of Orange, Calif., supporting the maintenance of the prohibition law and its enforcement and protesting against any measure looking toward its modification, resubmission to the States, or repeal; to the Committee on the Judiciary.

1392. Also, petition of William S. Hatch and 39 other residents of Los Angeles County, dated January 29, 1932, supporting House bill 7230; to the Committee on Pensions.

1393. By Mr. TABER: Petition of Lullie A. Nichols and others, urging support and maintenance of the prohibition law and its enforcement; to the Committee on the Judiciary.

1394. By Mr. TAYLOR of Colorado: Resolution of the Board of County Commissioners of Gunnison County, Colo., urging a world conference for the purpose of remonetizing and stabilizing the price of silver; to the Committee on Coinage, Weights, and Measures.

1395. Also, petition of citizens of Mount Harris, Colo., urging favorable action on House bill 1, providing for full payment of World War soldiers' adjusted bonuses; to the Committee on World War Veterans' Legislation.

1396. Also, petition of citizens of Bear River, Ohio, urging favorable action on House bill 1, providing for full payment of World War soldiers' adjusted bonuses; to the Committee on World War Veterans' Legislation.

1397. By Mr. WARREN: Petition of Mrs. S. F. Alligood and members of the Woman's Christian Temperance Union,

of Washington, N. C., opposing the resubmission of the eighteenth amendment; to the Committee on the Judiciary.

1398. By Mr. TEMPLE: Resolution of Local Union, West Alexander, Pa., protesting against the resubmission of the eighteenth amendment; to the Committee on the Judiciary.

1399. By Mr. WHITLEY: Petition of residents of Irondequoit and Rochester, N. Y., supporting the prohibition laws and their enforcement; to the Committee on the Judiciary.

1400. By Mr. WYANT: Petition of David Hutton, secretary Jeannette Sportsmen's Association Gun Club, protesting against reduction of appropriations for any form of national defense; to the Committee on Appropriations.

1401. Also, petition of W. Nelson Mayhew, president Chamber of Commerce, Northeast Philadelphia, Pa., representing 250,000 people, protesting against reduction of appropriations for any form of national defense; to the Committee on Appropriations.

1402. Also, petition of Thomas Liggett, Pittsburgh, Pa., urging support of legislation making Everglades Park in southern Florida a national park; to the Committee on the Public Lands.

1403. By Mr. YATES: Petition of Ida Stull, Louise Bauer, Emma F. Webber, Stella Williams, and other citizens of Centralia, Ill., opposing modification of the eighteenth amendment; to the Committee on the Judiciary.

1404. By the SPEAKER: Petition of the Brooklyn Women's Constitutional Committee, of Brooklyn N. Y., opposing the resubmission of the eighteenth amendment; to the Committee on the Judiciary.