coal control bill; to the Committee on Interstate and Foreign Commerce.

7003. Also, letter signed by Carl Grace, O. C. Wyrick, E. H. Vaughn, Henry Craig, Carl Keyser, and James M. Nunnally, representing 486 shop employees of the Norfolk & Western Railway, opposing as detrimental to the bituminous-coal industry and therefore to the coal-carrying railroads the passage of the Davis-Kelly coal control bill; to the Committee on Interstate and Foreign Commerce.

7004. Also, letter signed by T. L. Lumpkins, F. M. Leslie, B. H. Hill, R. F. Wilkins, T. C. Farmer, Albert Testerman, representing 84 shop employees of the Norfolk & Western Railway, opposing as ruinous to the bituminous-coal industry and therefore dangerous to the coal-carrying railroads the passage of the Davis-Kelly coal bill designed to regulate and control the bituminous-coal industry; to the Committee on Interstate and Foreign Commerce.

7005. Also, resolution of the Fayetteville (W. Va.) Rotary Club, signed by J. K. McGrath, president, and W. C. Neel, secretary, opposing the passage of the Davis-Kelly coal control bill; to the Committee on Interstate and Foreign Commerce.

7006. Also, letter signed by Arthur L. Wooten, J. J. Bishop, Luther Sanford, Ralph J. Breman, B. F. Looney, W. L. Grubb, F. T. Craig, all of West Virginia, representing 8,000 shop employees of the Norfolk & Western Railway Co., opposing as detrimental to the bituminous-coal industry and therefore to the coal-carrying railroads the passage of the Davis-Kelly coal control bill; to the Committee on Interstate and Foreign Commerce.

7007. Also, letters from Emery Tilley and M. G. Weaver, of Mullens, protesting against the passage of the Davis-Kelly control bill; to the Committee on Interstate and Foreign Commerce.

7008. Also, letter signed by J. H. Goosby, J. T. Carey, and G. G. Griffin, of Bluestone, W. Va., representing 196 shop employees of the Norfolk & Western Railway, protesting against the passage of the Davis-Kelly coal control bill; to the Committee on Interstate and Foreign Commerce.

7009. Also, letter and resolution from the Railroad Employees and Taxpayers Association of Bluefield, W. Va., J. W. Cahill, president, protesting against and opposing the passage of the Davis-Kelly coal control bill; to the Committee on Interstate and Foreign Commerce.

7010. Also, letter from the Princeton Foundry & Supply Co., Princeton, W. Va., signed by George E. Farmer, secretary-treasurer, vigorously opposing the passage of the Davis-Kelly coal control bill; to the Committee on Interstate and Foreign Commerce.

7011. Also, resolution of the Rotary Club of Charleston, W. Va., opposing passage of the Davis-Kelly coal control bill; to the Committee on Interstate and Foreign Commerce.

7012. By Mr. STEWART: Petition of the guild of the First Presbyterian Church of Plainfield, N. J., protesting against the unjust treatment of Eskimos in Alaska, etc.; to the Committee on the Territories.

7013. By Mr. STRONG of Pennsylvania: Petition of Johnstown Post, No. 294, American Legion, favoring the immediate payment of the balance due on adjusted-service certificates; to the Committee on Ways and Means.

7014. By Mr. SWING: Petition signed by 1,512 citizens of San Diego, Calif., protesting against compulsory Sunday-observance legislation; to the Committee on the District of Columbia.

7015. Also, petition signed by 1,014 citizens of San Diego, Calif., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

7016. By Mr. TEMPLE: Petition of Guy A. Shick, of Bentleyville, and 27 other residents of Washington County, Pa., supporting the proposed legislation providing for full payment of the adjusted-service certificates; to the Committee on Ways and Means.

7017. By Mr. THOMASON: Petition of bar of Alpine, Brewster County, Tex., protesting against the passage of Senate bills 937 and 939, in reference to depriving individuals and corporations of right to removing suits from State to Federal courts; to the Committee on the Judiciary.

7018. Also, petition of Big Bend Post, No. 79, American Legion, Alpine, Tex., urging payment of balance due on adjusted-service certificates; to the Committee on Ways and Means.

7019. By Mr. WEST: Petition of 25 business men of West Lafayette, Ohio, protesting against suspending Federal aid for vocational education for one year; to the Committee on Agriculture.

SENATE

MONDAY, APRIL 25, 1932

Rev. Anson Phelps Stokes, D. D., LL. D., canon of the Washington Cathedral, city of Washington, offered the following prayer:

Almighty God, who hast given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion, from pride and arrogancy, and from every evil way. Defend our liberties and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom we intrust the authority of government, especially the Members of this Senate, that there may be justice and peace at home, and that through obedience to Thy law we may show forth Thy praise among the nations of the earth. Especially in this day of anxiety and distress suffer not our trust in Thee to fail. All of which we ask through Jesus Christ our Lord. Amen.

THE JOURNAL

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8083) providing for the appointment as ensigns in the line of the Navy of all midshipmen who graduate from the Naval Academy in 1932; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. VINSON of Georgia, Mr. MCCLINTIC of Oklahoma, Mr. DREWRY, Mr. BRITTEN, and Mr. DARROW were appointed as managers on the part of the House at the conference.

The message also announced that the House had concurred in the concurrent resolution (S. Con. Res. 25) providing for printing additional copies of the hearings before the Senate Committee on Finance on the bill (H. R. 10236) to provide revenue, equalize taxation, and for other purposes.

The message further announced that the House had concurred in the current resolution (S. Con. Res. 18) authorizing the printing of 3,000 additional copies of hearings held before the Committee on Manufactures on the establishment of a national economic council, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 11290) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

Mr. SHEPPARD. I desire to announce that the junior Senator from Utah [Mr. KING] is absent owing to illness.

Mr. GLASS. I desire to announce that my colleague the senior Senator from Virginia [Mr. SWANSON] is still detained from the Senate in attendance upon the disarmament conference at Geneva.

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

TRANSACTIONS OF SHIPPING BOARD MERCHANT FLEET CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the chairman of the United States Shipping Board, transmitting An Analysis of a Special Report of the Comptroller General of the United States of the Financial Transactions of the United States Shipping Board Merchant Fleet Corporation Dealing with Matters Arising in the Audit of the Accounts, which report was printed as House Document No. 217, Seventy-second Congress, first session, which, with the accompanying document, was referred to the Committee on Commerce.

CHANGE IN DATE OF INAUGURATION

The VICE PRESIDENT laid before the Senate a letter from the Governor of Rhode Island with an accompanying resolution of the Legislature of the State of Rhode Island, which were ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
EXECUTIVE CHAMBER,
Providence, April 23, 1932.

The PRESIDING OFFICER OF THE UNITED STATES SENATE,
Washington, D. C.

SIR: In accordance with the request of the General Assembly of Rhode Island I am inclosing herewith a certified copy of a resolution passed at its recent session.

Respectfully,

NORMAN S. CASE, *Governor.*

STATE OF RHODE ISLAND, ETC.,
IN GENERAL ASSEMBLY,
January Session, A. D. 1932.

Resolution relative to the proposed amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress

Whereas at the first session of the Seventy-second Congress of the United States of America it was resolved by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of each House concurring therein) that the following article be proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as part of the Constitution, viz:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January unless they shall by law appoint a different day.

"SEC. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

"SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

"SEC. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission":

Therefore be it

Resolved, That the Legislature of the State of Rhode Island does hereby ratify the above-proposed amendment to the Constitution of the United States; and be it further

Resolved, That the governor be requested to transmit a copy of these resolutions and preamble to the Secretary of State of the United States, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 20, 1932.

I hereby certify the foregoing to be a true copy of a resolution entitled "Resolution relative to the proposed amendment to the Constitution of the United States, fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress," passed by the General Assembly of the State of Rhode Island and Providence Plantations on the 14th day of April, A. D. 1932, and approved by his excellency the governor on the 18th day of April, A. D. 1932.

In testimony whereof, I have hereunto set my hand and affixed the seal of the State of Rhode Island, this 20th day of April, in the year 1932.

[SEAL.] ERNEST L. SPRAGUE,
Secretary of State.

The VICE PRESIDENT also laid before the Senate a letter of the secretary of state of Maine, with an accompanying resolution of the Legislature of the State of Maine, which were ordered to lie on the table and to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
STATE OF MAINE,
Augusta, April 19, 1932.

To the honorable the PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: In accordance with the provisions of the attached resolution of the Legislature of the State of Maine, I have the honor to forward you herewith a certified and fully authenticated copy of a resolution titled as follows:

"A resolve ratifying proposed amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress."

The same was adopted by the Legislature of the State of Maine on April 1, A. D. 1932.

Respectfully,

EDGAR C. SMITH, *Secretary of State.*

STATE OF MAINE.

I, William Tudor Gardiner, Governor of the State of Maine, hereby certify that Edgar C. Smith is the secretary of the State of Maine, duly elected and qualified; that he is the legal custodian of the great seal of the State of Maine; and he is the legal custodian of the laws, resolves, and resolutions enacted by the Legislature of the State of Maine. I further certify that his attestation to the document hereunto annexed is in due form; that I am well acquainted with his handwriting, and that I verily believe his signature subscribed to said attestation is genuine.

In testimony whereof I have caused the great seal of the State to be hereunto affixed.

Given under my hand at Augusta this 1st day of April, A. D. 1932, and in the one hundred and fifty-sixth year of the independence of the United States of America.

[SEAL.] WM. TUDOR GARDINER, *Governor.*

STATE OF MAINE,
DEPARTMENT OF STATE.

I, Edgar C. Smith, secretary of state of the State of Maine, certify that by the constitution and laws of this State I am custodian of the seal of said State and of the laws, resolves, and resolutions enacted by the Legislature of the State of Maine. I further certify that the paper to which this certificate is annexed is a true copy of a resolve entitled "A resolve ratifying proposed amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and

Members of Congress, and fixing the time of the assembling of Congress."

In testimony whereof I have caused the great seal of the State to be hereunto affixed. Given under my hand at Augusta this 1st day of April, A. D. 1932, and in the one hundred and fifty-sixth year of the independence of the United States of America.

[SEAL.] EDGAR C. SMITH, *Secretary of State.*

STATE OF MAINE, 1932.

A resolve ratifying proposed amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress

Whereas the Seventy-second Congress of the United States of America, at the first session begun and held at the city of Washington on Monday, the 7th day of December, 1931, by a Constitutional two-thirds vote in both Houses, adopted a joint resolve proposing an amendment to the Constitution of the United States, to wit:

Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of said Constitution when ratified by the legislatures of the several States as provided in the Constitution:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

"SEC. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

"SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

"SEC. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission":

Therefore be it

Resolved, That the Legislature of the State of Maine hereby ratifies and adopts this proposed amendment to the Constitution of the United States: And be it further

Resolved, That the secretary of state of the State of Maine notify the President of the United States, the Secretary of State of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States of this action of the legislature by forwarding to each of them a certified copy of this resolve.

IN SENATE CHAMBER,
April 1, 1932.

Read and adopted. Sent down for concurrence.

ROYDEN V. BROWN, *Secretary.*

HOUSE OF REPRESENTATIVES,
April 1, 1932.

Read and adopted.

CLYDE R. CHAPMAN, *Clerk.*

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by members of the College of the City of New York Post, No. 717, American Legion, of New York City, opposing the passage of legislation providing for the payment of adjusted-compensation certificates (bonus) of World War veterans at the present time, which was referred to the Committee on Finance.

He also laid before the Senate resolutions adopted by the American Veterans' Association of Los Angeles, Calif., favoring the passage of legislation providing for the immediate cash payment at full face value of veterans' adjusted-compensation certificates (bonus), which were referred to the Committee on Finance.

He also laid before the Senate resolutions adopted by the Ninth Ward Republican Organization, of Jersey City, N. J., protesting against proposed reductions in the compensation of postal employees, which were referred to the Committee on Appropriations.

He also laid before the Senate a resolution adopted by the Society of American Florists and Ornamental Horticulturists, at Hartford, Conn., favoring retrenchment in governmental expenditures, and opposing further taxation of industry, which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from C. Guthrie, dated at Saginaw, Mich., April 16, 1932, favoring the balancing of the Budget, retrenchment in governmental expenditures, the imposition of a general sales tax of 2½ per cent, and other measures looking to the relief of the economic condition of the Nation, which was referred to the Committee on Appropriations.

He also laid before the Senate a petition of sundry citizens, being substitute employees of the Schenectady (N. Y.) post office, praying for the passage of pending legislation for the relief of substitute employees in the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also laid before the Senate a resolution adopted by members of Farmers Union, Local No. 405, of Williston, N. Dak., favoring the passage of legislation known as the Frazier farm relief bill, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution adopted by members of the Young People's Religious Union of the Unitarian Church of Salina, Kans., signed by Lorin Brown, its president, and other officers and members, indorsing the stand taken by the American delegation to the Geneva Disarmament Conference for a policy of universal reduction of armaments, coupled with the abolition of the more frightful methods of warfare, etc., which were referred to the Committee on Foreign Relations.

He also laid before the Senate a letter from M. H. Reymond of Binghamton, N. Y., inclosing a photostat copy of patent application No. 599246 (including drawing, petition, and specification), together with a photostat copy of conditional assignment thereof, being in relation to an automatic balancing mechanism between national output in goods and purchasing power in money, which, with the accompanying copies of papers, was referred to the Committee on Patents.

He also presented a resolution adopted by New York Typographical Union, No. 6, of New York City, N. Y., indorsing the unemployment relief measures sponsored by the junior Senator from New York [Mr. WAGNER], which was ordered to lie on the table.

He also laid before the Senate resolutions of the Kansas Pharmaceutical Association, in convention assembled at Wichita, Kans., indorsing the so-called Capper-Kelly bill, being the bill (S. 97) to protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, brand, or name, which were ordered to lie on the table.

Mr. KENDRICK. Mr. President, I present a telegram in the nature of a petition signed by 198 ex-service men of Carbon County, Wyo., praying for the immediate payment in full of adjusted-compensation certificates of World War veterans, which I ask may be appropriately referred.

The VICE PRESIDENT. The telegram will be received and referred to the Committee on Finance.

Mr. METCALF presented a memorial of sundry manufacturers of the States of Rhole Island and Massachusetts, remonstrating against the imposition of a duty of 66 per cent on imports of crude petroleum, which was referred to the Committee on Finance.

Mr. ASHURST presented a telegram from the Arizona Newspaper Association (signed by C. A. Mitten, its president), assembled in meeting at Phoenix, Ariz., on the question of a countervailing duty, indorsing the prompt passage

of legislation to permit of quick adjustment of depreciated currencies abroad to our money standards that can be administered by administrative action to fit shifting conditions, which was referred to the Committee on Finance.

Mr. DILL presented the petition of Mabel B. Du Bois and sundry other citizens of Spokane, Wash., praying for the passage of House bill No. 5659, authorizing the Department of Justice to investigate revolutionary activities and propaganda of communists in the United States, etc., which was referred to the Committee on the Judiciary.

Mr. TYDINGS presented a resolution adopted by the Hagerstown (Md.) Civic League (Inc.), favoring the prompt ratification of the World Court protocols, which was referred to the Committee on Foreign Relations.

He also presented the petition of James C. Harlan and sundry other citizens of Havre de Grace, Md., praying for the passage of legislation providing for payment in full of adjusted-service compensation certificates (bonus), which was referred to the Committee on Finance.

He also presented memorials of sundry citizens and motor firms of the State of Maryland, remonstrating against the imposition of taxes on automobiles and the motor industry in the pending tax bill, which were referred to the Committee on Finance.

Mr. WALCOTT presented a letter from the Young Republican Club, of Ridgefield, Conn., opposing the maintenance of the eighteenth amendment of the Constitution and the Volstead Act, which was referred to the Committee on the Judiciary.

He also presented a letter from the board of directors of the Connecticut Association of Credit Men, favoring a program of national economy, and opposing an increase in the rate on first-class mail matter, which was referred to the Committee on Finance.

He also presented a letter from officers of the Connecticut Association of Public School Superintendents, signed by E. W. Ireland, its president, Stratford, Conn., favoring the balancing of the Budget, retrenchment in Federal expenditures, abandonment of the policy of "soaking the rich," and a taxing program with a wider basis, and opposing a cut of 34 per cent in the appropriations for the office of education, etc., which was referred to the Committee on Finance.

He also presented petitions and letters and telegrams, in the nature of memorials, from the Manufacturers Association of Meriden (Inc.), of Meriden; the American Legion, Department of Connecticut, of Hartford; the real-estate board of Westport, and sundry citizens of New Haven, Suffield, Hartford, East Hartford, and Wethersfield, all in the State of Connecticut, remonstrating against the passage of legislation providing for the payment of adjusted-compensation certificates (bonus) of World War veterans at this time, which were referred to the Committee on Finance.

He also presented petitions and letters and telegrams, in the nature of petitions, from Chateau-Thierry Post, No. 1344, Veterans of Foreign Wars, of Derby; Tomalonis-Hall Post, No. 84, American Legion, of Simsbury; the Y. D. Association, of Seymour; and the Murphy-Rathbun Post, No. 189 (Inc.), Veterans of Foreign Wars, of New London, all in the State of Connecticut, praying for the immediate payment in cash of World War adjusted-compensation certificates (bonus), which were referred to the Committee on Finance.

He also presented papers, in the nature of petitions, of sundry citizens of New Haven, Bridgeport, Hartford, West Hartford, Waterbury, Greenwich, Cromwell, Southport, Middletown, Milford, Mystic, Stratford, New Canaan, Kent, Norwalk, Norton Heights, South Glastonbury, Woodbury, Torrington, Vernon, Noank, Riverside, Manchester, Fairfield, Middlebury, Norwich, Canaan, Glenbrook, Willimantic, Buckland, Wilton, South Manchester, Devon, Brookfield Center, Ridgefield, Darien, Wallingford, South Norwalk, New London, Stafford Springs, and Stamford, all in the State of Connecticut, favoring the modification of the Volstead Act and the repeal of the eighteenth amendment of the Constitution, which were referred to the Committee on the Judiciary.

He also presented papers, in the nature of memorials, from sundry citizens of Waterbury, Bridgeport, West Hartford, New Haven, Ansonia, Cheshire, Saybrook, and Washington Depot, all in the State of Connecticut, remonstrating against the modification of the Volstead Act or the repeal of the eighteenth amendment of the Constitution, which were referred to the Committee on the Judiciary.

He also presented papers, in the nature of petitions, of sundry citizens of Hamden, Bridgeport, New Haven, West Haven, North Haven, East Haven, Stamford, Milford, New Britain, Old Greenwich, Greenwich, Guilford, Waterbury, Stratford, South Norwalk, Saybrook, Devon, Fairfield, Orange, Mount Carmel, Norwalk, Centerville, East River, Branford, Shelton, Hartford, Seymour, East Hartford, West Hartford, Meriden, Madison, Danbury, Groton, Milldale, Middlebury, Manchester, Westport, Wallingford, Thompsonville, Southport, Kensington, and Ansonia, all in the State of Connecticut, praying for the passage of the bill (H. R. 9891) to provide for the establishment of a system of pensions for railroad and transportation employees and for a railroad pension board, and for other purposes, which were referred to the Committee on Interstate Commerce.

Mr. SHORTRIDGE presented resolutions adopted at the spring meeting of the Presbytery, representing 108 organized Presbyterian churches in Southern California, favoring the so-called Stimson policy of refusing to recognize territorial or financial gains made by use of illegal means on the part of any nation, and also the ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented letters and telegrams, in the nature of memorials, from the International Union of Steam and Operating Engineers, Local No. 336, of Fresno; Upholsterers, Carpet and Linoleum Mechanics' International Union of North America, Local No. 5, of Oakland; the Building Trades Council of Monterey County, by Paul D. Smith, recording secretary; Bookbinders and Bindery Women's Union, Local No. 31.125, by William J. Osterloh, secretary, of San Francisco; Oakland Printing Pressmen and Assistants' Union, No. 125, of Oakland, by George A. Gray, recording secretary; Coalinga Post No. 2, American Legion, of Coalinga, by Claude L. Kemp, commander; United Association of Journeymen Plumbers and Steam Fitters, Local No. 484, of Ventura, by Francis Leach, recording secretary; M. H. Hellmann, of Los Angeles, and sundry other citizens, all in the State of California, remonstrating against proposed reductions in the compensation of Federal employees, which were referred to the Committee on Appropriations.

He also presented numerous letters and telegrams from sundry citizens and organizations, all in the State of California, remonstrating against proposed reductions in the compensation of Federal employees, especially those in the Postal Service, which were referred to the Committee on Appropriations.

He also presented letters, in the nature of memorials, from sundry citizens and organizations in the State of California, remonstrating against the passage of legislation providing for payment of adjusted-compensation certificates (bonus) of World War veterans at this time, which were referred to the Committee on Finance.

He also presented letters, in the nature of memorials, from sundry citizens and organizations in the State of California, remonstrating against an increase in the first-class postage rate in the pending tax bill, which were referred to the Committee on Finance.

He also presented letters, in the nature of memorials, from sundry citizens and organizations in the State of California, remonstrating against the imposition of a 10 per cent excise tax on jewelry in the pending tax bill, which were referred to the Committee on Finance.

He also presented petitions and letters, in the nature of petitions, numerously signed, of sundry citizens and organizations in the State of California, praying for the prompt

passage of legislation providing for payment of adjusted-compensation certificates of World War veterans (bonus), which were referred to the Committee on Finance.

Mr. WALSH of Massachusetts presented a letter signed by Emily M. Hussey and other members of the Unitarian Women's Alliance, of New Bedford, Mass., indorsing the stand taken by the American delegation to the Geneva disarmament conference for a policy of universal reduction of armaments, coupled with abolition of the more frightful methods of warfare, etc., which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry manufacturers of the States of Massachusetts and Rhode Island, remonstrating against the imposition of a duty of 66 per cent on imports of crude petroleum, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens, being employees of the Weymouth branches of the Boston (Mass.) postal district, remonstrating against proposed reductions in the compensation of postal employees, which was referred to the Committee on Appropriations.

PROPOSED GENERAL LAFAYETTE COMMEMORATIVE STAMP

Mr. WALSH of Massachusetts. Mr. President, I present a letter from Mr. P. J. Connelly, president of the Dorchester (Mass.) Board of Trade, indorsing the movement sponsored by the Suburban Stamp and Curio Club of Boston, to secure a General Lafayette commemorative stamp, which I ask may be printed in the RECORD, with the accompanying paper, and appropriately referred.

There being no objection, the letter and accompanying paper were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

DORCHESTER BOARD OF TRADE,
Boston, Mass., April 14, 1932.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: We heartily indorse the movement sponsored by the Suburban Stamp and Curio Club of Boston to secure a General Lafayette commemorative stamp.

This honor would be especially appropriate in this year of Washington commemoratives, as Lafayette was Washington's loyal and true friend.

The attached circular will outline Lafayette's many services for our country.

We would appreciate any support and cooperation you may be in a position to extend in this worthy undertaking.

With kind personal regards, I remain, very truly yours,

P. J. CONNELLY,
President.

A commemorative stamp to the memory of General Lafayette would be especially appropriate in this year of Washington commemoratives.

He was the friend of Washington and of all the men whom the fortunes of war brought across Washington's path, there was none who became dearer to him than Lafayette, for the generous, high-spirited young Frenchman, full of fresh enthusiasm and brave as a lion, appealed at once to Washington's heart.

The excellent service of Lafayette in the field, together with his invaluable help in securing the French alliance, deepened and strengthened the sympathy and affection, which were entirely reciprocal.

Lafayette served in the Army without pay and gave his money, his talents, his influence, and his blood for the cause of American freedom. He was the most-loved person who has ever come from a foreign country.

In response to the invitation of President Monroe in 1824, he visited the United States and was everywhere received with tokens of enthusiastic reverence and affection.

He laid the corner stone of Bunker Hill Monument and afterwards refused to take the seat which had been reserved for him among the officials and invited guests. He said he belonged among the survivors of the Revolution and there he would sit. So he took a seat among the veterans with no shelter from the rays of a June sun.

The one hundred and seventy-fifth anniversary of the birth of General Lafayette will be September 6, 1932.

Would you not favor a commemorative stamp to the friend of Washington?

The Surburban Stamp and Curio Club of Boston is the sponsor of this movement and asks both your indorsement and your assistance.

PHILIPPINE INDEPENDENCE

Mr. HAWES. Mr. President, in the course of the debate on the Philippine bill we probably shall hear again the argument that Congress may not constitutionally grant independence to the Philippine Islands. Some of those who use this argument are undoubtedly convinced of its validity. Others, however, are urging objection not because they would prevent a breach or a disregard of the Constitution but because for quite different reasons they hope to make it an obstacle to Philippine independence. They well know that our policy from the beginning of our sovereignty over the islands, the traditions upon which that policy was founded, our solemn promises to the Filipino people, our obligation to ourselves—all demand that we give the Filipino people separate, independent nationhood.

These objectors are aware they can not successfully make pure selfishness a ground for keeping the islands and not keeping our word. Their dream of empire in the Far East, their hope of a military satrapy according to European models, their wish to exploit the resources of a country which we have long since dedicated to freedom—none of these, they foresee, can be offered to the American people as a sufficient excuse for breaking faith with the Filipinos and the whole world. They are compelled, then, to invent an argument that will seem at least somewhat worthy of the great question under discussion. They can not afford to call this proposal "unbusinesslike" or "unprofitable" or "unimperial"—as they really would like to characterize it—so they term it "unconstitutional."

One of the authors of this argument is the late Daniel Williams, formerly judge of a court of land registration in the Philippine Islands. I do not pretend to say how much weight lawyers attach to Judge Williams's contention, but it is repeated by some of the laymen who are opposing independence. The answer to the argument has been given by some of the greatest constitutional lawyers in our history, Republicans as well as Democrats. The answer has been given also by an Attorney General of the United States, not informally or by way of personal opinion, but officially, as counselor of the Federal Government.

President McKinley was a sound lawyer as well as a legislator of long and wide experience. It is safe to assume, moreover, that in his recommendations to Congress with respect to the disposition of the Philippine Islands he consulted his Attorney General, one of the leading jurists of his time.

The whole subject [of the Philippines] is now with Congress—

Said President McKinley—

and Congress is the voice, the conscience, and the judgment of the American people. Upon this judgment and conscience can not we rely?

This statement of President McKinley's must be remembered in connection with another he made.

We shall continue as we have begun—

He said to Congress in December, 1899—

* * * to make these people * * * feel that it is their liberty and not our power * * * we are seeking to enhance.

William Howard Taft had been a judge of the Federal circuit court before he became Secretary of War in President McKinley's Cabinet. Seventeen years after we acquired the Philippines, and in the light of all the congressional and political discussions of the status and destiny of the islands, and with a large knowledge of the Constitution, Mr. Taft said:

Should the Philippine people, when fit for self-government, demand independence, I should be strongly in favor of giving it to them * * *.

Mr. Taft reiterated that statement in one form or another and on one occasion or another in the years that followed, and even after he had served his term as President.

I think we may agree that the great constitutional lawyers in the House and the Senate, when the Jones law was in process of enactment, would have perceived and proclaimed the unconstitutionality of a congressional grant of Philippine independence if it in any way traversed the Constitution.

As recently as 1924 the Attorney General of the United States, responding to a request from the chairman of the

House Committee on Insular Affairs, and after examination of the facts, the law, and the authorities, submitted the following opinion:

The Philippine Islands have never been incorporated into the United States as an integral part thereof. They are held as an insular possession appurtenant to the United States but not incorporated into the United States.

The Constitution of the United States has never been extended to the Philippine Islands. It has been so extended to the Territory of Alaska by congressional enactment.

Under the Constitution of the United States Congress has complete control over Territories. It likewise has such control over insular possessions and may do with such possessions as it may see fit. If Congress deems it expedient to grant complete independence to the people of the Philippine Islands or a limited independence, it may, in my judgment, do so.

Within the last 27 months the legislative counsel of the Senate, Mr. Charles F. Boots, prepared an opinion on this subject, and in it held that the severance of the Philippines from the sovereignty of the United States by an act of Congress would not be contrary to any provision of the Constitution. The opinion formulated by Mr. Boots may be found in the CONGRESSIONAL RECORD of January 29, 1930.

Justice Malcolm, of the Supreme Court of the Philippines, in his treatise on Philippine constitutional law, upholds a similar view.

Eminent lawyers of the House, like HATTON W. SUMNERS, chairman of the Judiciary Committee, and JAMES M. BECK, formerly Solicitor General, and Senator BARKLEY, Senator SWANSON, and other Members of the Senate, concur in the opinion of the Attorney General. In fact, I am not aware that any lawyer in either branch of Congress contends that a constitutional amendment is required to empower Congress to grant the independence of the Philippines.

To the learning and research of Judge F. C. Fisher, formerly a justice of the Philippine Supreme Court, we owe a very scholarly and exhaustive discussion of Judge Williams's thesis. Judge Fisher's treatise, conclusively demonstrating the constitutional power of Congress to give independence to the Philippines, deserves a place in the chronicle of the Senate's debate on the bill granting independence to the Philippines. Accordingly, I ask that his brief on this subject be inserted in the body of the RECORD and referred to the Committee on Territories and Insular Affairs, so that it shall be available for study by any Senator or other person who harbors honest doubts about the constitutionality of the legislation by which we design to keep the faith we have plighted to the Filipino nation.

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

The matter referred to is as follows:

THE CONSTITUTIONAL POWER OF CONGRESS TO WITHDRAW THE SOVEREIGNTY OF THE UNITED STATES OVER THE PHILIPPINE ISLANDS

(By F. C. Fisher, former associate justice, Philippine Supreme Court)

The essentially temporary nature of the control of the United States over the Philippine Islands has repeatedly been affirmed by our Presidents and by the national legislative bodies. The Senate, when advising the ratification of the treaty of Paris, expressly declared that it was not intended by approval of the cession of the Philippines by Spain to—

"incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor * * * to permanently annex said islands as an integral part of the United States; but * * * in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands."

In 1916 Congress, in the preamble to the Jones law (39 Stat. L. 545), declared that—

"* * * it is * * * the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and recognize their independence as soon as a stable government can be established therein * * *."

Presidents have differed as to the time when the ultimate purpose should be accomplished, but not one of them has advocated its abandonment. Our policy in dealing with the Philippines has consistently pursued a course leading to independence.

All the official utterances on the subject assume that Congress has the power, under the Constitution, to relinquish our sovereignty over the Philippines and to authorize the establishment and recognition of an independent government of the islands. The existence of this authority is likewise assumed in all the various bills for the granting of independence to the Philippines which from time to time have been introduced into Congress. That such power exists is, however, denied by a few opponents of Philippine independence. The argument in support of this view was presented by the late Judge D. R. Williams, first in an article published in the Virginia Law Review (vol. 12, p. 1) and later in pamphlets published by him. Judge Williams's opinion has occasionally been cited in debates in Congress on the Philippine question; and as the insistence by the Farm Bureau and allied agricultural interests and by the American Federation of Labor upon an early grant of independence, for economic reasons, is practically certain to bring the subject to the fore in the present session of Congress, an examination of Judge Williams's argument in support of the contention that Congress has no power to take such action may be interesting and timely.

His argument may be summarized briefly as follows: Congress being an agent of the Nation, operating under enumerated delegated powers, is without authority to relinquish sovereignty over any American territory unless power to do so has been conferred by the Constitution, expressly or by necessary implication, and that none of the powers expressly conferred, or of the implied powers flowing from them, can be construed properly as involving authority in Congress to cede or relinquish sovereignty over territory. The only provision of the Constitution in any direct manner dealing with the disposal of territory occurs in paragraph 2, section 3, of Article IV, which provides that Congress shall have power "* * * to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States * * *."

But the Supreme Court of the United States has held (United States *v.* Gratiot, 14 Peters 526, 536) that the term "territory" as here used is merely descriptive of one kind of property, and is equivalent to the word "lands." This provision, therefore, relates to the disposal of proprietary rights, but does not authorize the transfer or relinquishment of sovereignty.

The fact that the Philippines are unincorporated territory, belonging to but not forming an integral part of the United States, Judge Williams considered to be irrelevant to the inquiry, and that our national sovereignty is a unit and is as complete with respect to the Philippines as it is with respect to Long Island. So, if Congress by vountary legislative action can divest our sovereignty over the Philippines, it could do so with respect to any other part of our national domain, and with equal right could dispose of an entire State; that if as the result of a calamitous war part of our territory were wrested from us by conquest or its cession demanded by a successful foreign enemy, this de facto situation might be recognized in the treaty of peace; but the fact that territory may be alienated in the exercise of the treaty-making power under the stress of force majeure does not authorize the conclusion that a voluntary cession of territory is within the jurisdiction of Congress. He admitted that the power to cede territory, like the power to acquire it, is an inherent attribute of sovereignty, possessed by all completely independent nations; but the power of the United States to cede territory, unless it be under duress, is asserted to be one which has not been delegated by the Constitution, but is one of those which are reserved to the people and still lie dormant in the body politic.

The conclusion is stated that if the American people are desirous of conferring upon Congress the power to alienate their sovereignty over the Philippines, or any other territory of the United States, the result can be accomplished only by specific delegation of the power through an amendment of the Constitution.

The premise is unsound, and in the light of available precedents and of a proper construction of the Constitution, the power to take the contemplated action will be found to reside in Congress.

Acquisition of territory: The frequent exercise by the United States of the power to acquire territory by treaty and by joint resolution of Congress and the recognition of that power by the courts leaves no room for doubt that the authority to expand the national domain is by the Constitution conferred upon the appropriate organs of the National Government. Louisiana, Texas, California, and the adjacent areas, Alaska, the Philippines, and Porto Rico, the Hawaiian Islands, Samoa, and the Guano Islands have been acquired, and no doubt exists as to the validity of the extension of our authority and jurisdiction over them. The theories as to the particular provision of the Constitution which authorized this action are important because of the light they shed upon the question of the power to cede territory, but before taking up this point attention will be drawn to action taken in the past in cases which seem to be analogous to the contemplated action with respect to the Philippines.

Cession of territory and relinquishment of sovereignty by the United States: In Judge Williams's brief on this subject he asserts that "no territory, once admittedly brought under the American flag, has ever been alienated."

This statement is too broad, and cases can be pointed out in which there have been cessions of territory subject to our sovereignty.

The Florida treaty: An instance of the exercise by the President and the Senate of the power to cede territory of the United States is to be found in the treaty with Spain by which the Floridas were acquired in 1819. The United States, after the acquisition of the Louisiana territory from France, asserted that the ceded area included the vast domain lying between the Sabine River and the Rio Grande, a contention vigorously disputed by Spain. In the correspondence between John Quincy Adams, then Secretary of State, and the Spanish Ambassador (Am. Stat. Papers, vol. 4, pp. 422 et seq.), which led up to the treaty of 1819, the American claim to this area was again asserted, and its renunciation was part of the consideration for the cession of the Floridas. The

treaty, by article 1, transferred to the United States sovereignty over the Floridas and by article 2 fixed the boundary between the Spanish and American domains west of the Mississippi. The treaty adopted the Sabine as the western boundary of Louisiana to the 32° of latitude, thence following a course which excluded the Texas territory claimed by the United States. By the terms of the treaty "* * * The United States hereby cede to his Catholic Majesty, and renounce forever, all their rights, claims, and pretentions to the territories lying west and south of the above line * * *," and Spain reciprocally "cedes to the United States" all its rights to territories north and east of the line. It is to be noted that the language of the treaty precludes the idea that the line so fixed was true, pre-existing boundary.

The treaty, which was signed February 22, 1819, was promptly submitted by the President to the Senate for its approval, which was granted two days later. By its terms the treaty was to be ratified by both countries within six months, but that period expired without action by the Spanish Government. President Monroe, in his annual message to Congress of December 7, 1819, said:

"On the part of the United States this treaty was acceded to in a spirit of conciliation and concession. * * * For territory ceded by Spain other territory of great value, to which our claim was believed to be well founded, was ceded by the United States * * *."

This clearly demonstrates that the President and his Secretary of State must have been of the opinion that the treaty-making power includes the power to cede territory of the United States. It is true that the title to Texas asserted by the United States at that time was extremely debatable and had always been denied by Spain, but the quoted language indicates that the cession was not justified upon that ground. On the contrary, the President's statement clearly affirms that territory of the United States had been "ceded" to Spain in exchange for other territory.

It was maintained by many that the relinquishment of our claim to Texas was too high a price to pay for the Floridas. The failure of Spain to ratify the treaty within the agreed period was believed to relieve the United States of its obligations, and to leave matters as they were before its negotiation. One of the opponents of the treaty was Henry Clay, at that time a Member of the House. On April 3, 1820, he called up for debate in the House as a Committee of the Whole, the following resolutions sponsored by him:

"1. *Resolved*, That the Constitution of the United States vests in Congress the power to dispose of territory belonging to them, and that no treaty purporting to alienate any part thereof is valid without the concurrence of Congress.

"2. *Resolved*, That the equivalent proposed to be given by Spain to the United States in the treaty concluded between them on the 22d day of February, 1819, for that part of Louisiana lying west of the Sabine was inadequate, and that it would be inexpedient to make a transfer thereof to any foreign power or renew the aforesaid treaty."

In the debate which followed (Annals of Congress, 16th Cong., 1st sess., pp. 1719 et seq.) Clay pointed out that—

"In the Florida treaty it was not pretended the object was simply a declaration of where the western limit of Louisiana was; it was, on the contrary, the case of an avowed cession of territory from the United States to Spain. The whole of the correspondence manifested that the respective parties to the negotiation were not engaged so much in an inquiry where the limit of Louisiana was as that they were exchanging overtures as to where it should be."

Clay maintained with vigor that the United States had a valid title to Texas under the Louisiana Purchase, and that Texas was worth more than Florida; that no such cession of territory could be made without the consent of Congress, because by section 3 of Article IV of the Constitution the power to "dispose of" territory is given to that body.

The debate on Clay's resolutions continued for two days, but the record does not show that any vote was taken. In October, 1820, the Spanish Cortes and the King of Spain ratified the treaty. February 14, 1821, President Monroe transmitted the treaty to the Senate with a message in which he drew attention to the fact that the Spanish ratification had occurred after the 6-month period, and requested a reaffirmance of the Senate's consent and approval. This was given five days later. The original vote of approval had been unanimous; the second approval was carried by 40 ayes and 4 nays (Executive Journal of the Senate, Vol. III, pp. 178 and 244).

The history of this treaty has an important bearing upon the question under consideration. It shows that President Monroe, Mr. Adams, and almost all the Members of the Senate were of the opinion that the Government created by the Constitution was vested by that instrument with power to cede territory of the United States, not alone under the duress of war, but in peace. The second vote in the Senate was taken after the debate upon Clay's resolutions in the House had drawn attention to the question of constitutional law involved. It is further significant that Clay and his supporters in the House did not dispute, but affirmed, the existence under the Constitution of the power to cede territory, their contention being that its exercise pertained to Congress rather than to the President and the Senate; or rather that the consent of Congress was essential to the valid exercise of this particular manifestation of the treaty-making power.

The northeastern boundary treaty: The Webster-Ashburton treaty of 1842, by which the northeastern boundary between the United States and British territory was fixed, did not result in the determination of the location of a preexisting correct line, but in the establishment of a conventional line, in consequence of which territory which unquestionably lay within the United States was ceded to Great Britain. The language of the treaty clearly shows that neither party contended that the line agreed upon was the true one. On the contrary, the preamble, after stating that repeated attempts to ascertain the location of the line described in the treaty of 1783 had resulted in failure, declares it to be the purpose of the parties to avoid "further discussion of their respective rights" and to "agree on a conventional line * * * with such compensations and equivalents as are deemed just and reasonable."

The cession involved was made with the express assent of Maine, within which State the ceded area lay, with the concurrence of Massachusetts. The treaty recites that the United States agrees to pay Maine and Massachusetts the sum of $300,000 in equal moities "on account of their assent to the line of boundary described in this treaty, in consideration of the conditions and equivalents received therefor from the Government of Her Britannic Majesty."

It has been expressly recognized by Congress that the effect of this treaty was to divest the sovereignty of the United States over territory in the possession and control of the State of Maine.

The execution of the treaty resulted in claims against the United States by her citizens who were owners of land ceded to Great Britain, a summary of which is to be found in Senate Report No. 2132, Fifty-eighth Congress, second session. The act of March 3, 1877 (19 Stat. at L. 343), provided for compensation to the owners of some of these lands. The preamble to the act recites that by the treaty of August 9, 1842, through the adoption of a "conventional line" instead of the "true line," the United States "did cede to the British Crown a strip of land" of which 10,718 acres had been granted to citizens of the United States by Maine and Massachusetts "while the same were in the lines of the United States and for which the United States received compensation in equivalents and concessions from the British Crown * * * whereby said citizens became entitled to compensation for said lands so appropriated to public use," and provides for the payment by the Treasury to the owners thereof of the value of the "land taken from the State of Maine by said conventional line and included in the Province of New Brunswick."

The "conditions and equivalents" received from Great Britain for the cession of the area within the State of Maine are clearly stated in President Tyler's message of August 11, 1842, with which he transmitted the Webster-Ashburton treaty to the Senate of the United States (Letters and Papers of the Presidents, Vol. V, p. 2015). The President said:

"By the treaty of 1783 the line is to proceed down the Connecticut River to the forty-fifth degree of latitude, and thence west by that parallel until it strikes the St. Lawrence. Recent examinations have ascertained that the line hitherto received as the true line of latitude between these points was erroneous, and that the correction of this error would not only leave on the British side a considerable tract of territory hitherto supposed to belong to the States of Vermont and New York but also Rouses Point, the site of a military work of the United States. It has been regarded as an object of importance not only to extend the rights and jurisdiction of these States up to the line to which they have been considered to extend but also to comprehend Rouses Point within the territory of the United States. The relinquishment by the British Government of all the territory south of the line hitherto considered to be the true line has been obtained, and the consideration for this relinquishment is to inure by the provisions of the treaty to the States of Maine and Massachusetts."

This clearly shows that the treaty of 1842 was understood by the President, as it must have been by the Senate, to be one by which a part of Maine was ceded to Great Britain in order that we might obtain more valuable territory elsewhere, notwithstanding the fact, stated elsewhere in the message, that the United States and Maine "have entertained no doubt of the validity of the American title" to the territory so ceded. As the territory to be ceded was within a State, and therefore subject to State as well as National sovereignty, the consent of the State was deemed essential; but it is interesting to note that no doubt seems to have been entertained at the time as to the existence of power in the National Government to relinquish the sovereignty of the United States over territory to which our title was declared to be perfectly valid.

Samoa: By the treaty of December 2, 1899, between the United States, Germany, and Great Britain (Foreign Affairs, 1899, p. 667), Germany and Great Britain renounced in favor of the United States all their rights over the island of Tutuila and others of the Samoan group, and the United States and Great Britain made a similar renunciation in favor of Germany of their rights and claims over the islands of Upolu and Savaii and others.

In 1902, Mr. P. C. Knox, Attorney General of the United States (XXIII Ops. Atty. Gen. 629), in an opinion rendered at the request of the Secretary of the Treasury held that as by the treaty of December 2, 1899 "the exclusive sovereignty over [Tutuila] appears to be asserted by us and recognized by Great Britain and Germany, which nations formerly shared with us a protectorate," Tutuila must be regarded as domestic territory within the meaning of the tariff laws. The joint resolution of March 4, 1925 (43 Stat. 1357), definitely asserts our sovereignty over Samoa.

The history of our relations with Samoa (Moore, International Law Digest, Vol. I, p. 536 et seq.) shows that for some time prior to the negotiation of the treaty of 1899 the Samoan Islands, while

nominally under a native king, were practically held in a condominium by the United States, Germany and Great Britain under the terms of the act of Berlin of June 14, 1889 (Foreign Relations, 1889, p. 352). It is important to note that while the assent of the native government of Samoa was contemplated with respect to the provisions of the act of Berlin, Samoa was not a party to the treaty by which, in the opinion of Mr. Knox, confirmed by the joint resolution of March 4, 1925, supra, Tutuila became subject to the sovereignty of the United States. If, therefore, exclusive sovereignty over Tutuila now exists, as asserted by Congress, as a result of the renunciation of their rights by Germany and Great Britain in favor of the United States (Hyde, International Law, Vol. I, p. 131), the conclusion is inevitable that at the time of the negotiation of that treaty sovereignty over the entire group was held in condominium by the three treaty powers and that the renunciation by the United States and Great Britain of their rights over the other Samoan Islands in favor of Germany constituted a cession of their sovereignty over that part of the Samoan Islands thereafter subject to the exclusive sovereignty of Germany.

Cuba: Congress, by the resolution of April 20, 1898, disclaimed any intention to exercise sovereignty over Cuba "except for the pacification thereof," and asserted its purpose to leave the government and control of the island to its people (30 Stat. 738). At that time, of course, the sovereignty of Spain over Cuba was complete, notwithstanding the existence of the insurrection. As the result of the war which followed, Spain, by the treaty of Paris, relinquished her sovereignty over Cuba, without in terms ceding it to the United States or to the Cuban insurgent government (treaty of Paris, Art. I). Between that time, however, and May 20, 1902, when the American military government in Cuba, pursuant to the Platt amendment, transferred the government to the President of the Cuban Republic, it seems clear that sovereignty over Cuba, from the standpoint of international law, was vested in the United States, although as a matter of domestic law Cuba was regarded as foreign territory during that period (Neely *v.* Hankel, 180 U. S. 109). It is to be noted, however, that in the Neely case the court said:

"It can not be doubted that when the United States enforced the relinquishment by Spain of her sovereignty in Cuba and determined to occupy and control that island * * * it succeeded to the authority of the displaced government so far at least that it became its duty under international law * * * to protect * * * the lives, the liberty, and the property * * * of the inhabitants," thus clearly recognizing the distinction between the situation from the standpoint of international law and that created, for domestic purposes, by the action of the National Government. During the occupation of Cuba the military authorities of the United States created and maintained a civil government, exercised legislative power, and established a judiciary (Neely *v.* Hankel, supra, p. 778). Indeed, it is difficult to imagine what greater authority could have been exercised had the occupation been under a formal assertion of sovereignty preliminary to annexation.

In this connection, the language of the Platt amendment (31 Stat. 897) is significant. By its terms the President was authorized to leave the "government and control" of Cuba to its people "as soon as" the contemplated Cuban Government had been established under a constitution embodying the conditions imposed. Obviously, the amendment recognized that at that time the "government and control" of Cuba was being exercised by the United States and would continue to be so exercised until the fulfillment of the prescribed conditions. Had the people of Cuba failed or been unwilling to accept the limitations upon the contemplated insular government imposed by the Platt amendment, the control of the United States and its exercise of sovereign powers in Cuba might have continued indefinitely.

Butler, writing in 1901, said:

"Whatever the status of Cuba may be as to the United States * * * its status as to other powers is that, so long as the occupation of the military forces of the United States continues, it must necessarily be considered as much under the jurisdiction of the United States Government as though it were an integral part of the territory thereof." (Treaty-Making Power of the United States, vol. 1, p. 189.)

The view that the effect of the treaty of Paris was to transfer the sovereignty of Spain over Cuba to the United States is expressed by Justices White, Shiras, and McKenna in their concurring opinion in Downes *v.* Bidwell (182 U. S. 244, 342), in which it is said:

"* * * Quite recently one of the stipulations contained in the treaty with Spain which is now under consideration came under review by this court. By the provision in question Spain relinquished 'all claim of sovereignty over and title to Cuba.' It was further provided in the treaty as follows:

"'And as the island is upon the evacuation by Spain to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation and for the protection of life and property.'

"It can not, it is submitted, be questioned that, under this provision of the treaty, as long as the occupation of the United States lasts, the benign sovereignty of the United States extends over and dominates the island of Cuba. Likewise it is not, it seems to me, questionable that the period when that sovereignty is to cease is to be determined by the legislative department of the Government of the United States in the exercise of the great duties imposed upon it and with the sense of the responsibility which it owes to the people of the United States and the high respect which it, of course, feels for all the moral obligations by which the Government of the United States may, either expressly or impliedly, be bound. Considering the provisions of this treaty and reviewing the pledges of this Government extraneous to that instrument, by which the sovereignty of Cuba is to be held by the United States for the benefit of the people of Cuba and for their account, to be relinquished to them when the conditions justify its accomplishment, this court unanimously held, in Neely *v.* Henkel (180 U. S. 109) that Cuba was not incorporated into the United States and was a foreign country. It follows from this decision that it is lawful for the United States to take possession of and hold in the exercise of its sovereign power a particular territory, without incorporating it into the United States, if there be obligations of honor and good faith which, although not expressed in the treaty, nevertheless sacredly bind the United States to terminate the dominion and control, when, in its political discretion, the situation is ripe to enable it to do so. Conceding, then, for the purpose of the argument, it to be true that it would be a violation of duty under the Consitution for the legislative department, in the exercise of its discretion, to accept a cession of and permanently hold territory which is not intended to be incorporated, the presumption necessarily must be that that department, which within its lawful sphere is but the expression of the political conscience of the people of the United States, will be faithful to its duty under the Constitution, and therefore when the unfitness of particular territory for incorporation is demonstrated the occupation will terminate" (pp. 342–344).

The Cuban Government, to which authority over the island was ultimately transferred, was clearly a creation of the United States. Its present status, from the standpoint of international law, is that of a dependent rather than an independent State. (Hyde, International Law, Vol. I, p. 26.) In consenting to its creation the United States reserved to itself powers of intervention incompatible with complete sovereignty on the part of Cuba (act of March 2, 1901). The Republic of Cuba was required to refrain, and so agreed, from entering into any treaty or compact with any foreign power.

"* * * which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain by colonization * * * or otherwise, lodgment in or control over any portion of said island."

Suppose that on account of a change in the conditions of international relations or for any other reason deemed sufficient to make it inadvisable, as a matter of national policy, the United States, in 1901, had determined not to carry out the purpose expressed in the joint resolution of April 20, 1898, but to retain Cuba and give it the same status as Porto Rico. Would any further cession from Spain have been necessary? Obviously not. Spain's sovereignty had ceased with its relinquishment by the treaty of Paris, and the status of Cuba was simply that of conquered territory in the possession of the United States and subject to its complete sovereignty and control. There was no government in Cuba other than that established by the United States. That control might have been continued indefinitely, and Cuba, as unincorporated territory or otherwise, brought under the sovereignty of the United States for all domestic purposes, as it was already from the standpoint of international law. When the United States permitted the establishment of the Cuban Republic and relinquished its control over Cuba, with the limitations noted, it accomplished the same result as that now contemplated with respect to the Philippines—a relinquishment of sovereignty. The power to accomplish this object can not, it is submitted, be traced to the original declaration of purpose as its source, for necessarily Congress can not create or augment its own powers, all of which are delegated and must rest upon the Constitution; but even though such declaration of purpose could be given any effect whatever with respect to the power to accomplish the relinquishment of sovereign control over Cuba, it is interesting to note that the Senate, when advising ratification of the treaty of Paris expressly declared (Magoon, Civil Government, p. 47):

"That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States * * * in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands."

While this proposed joint resolution was not concurred in by the House at the time, a similar declaration of purpose and intention, as of the time of the acquisition of the Philippines, was made by Congress in the preamble to the Jones law.

Authoritative expressions of opinion regarding the power of the National Government of the United States to cede territory: The action taken by the Senate in authorizing ratification of the Florida treaty, the Webster-Ashburton treaty, and the Samoa treaty of necessity implied the belief on the part of the Members who voted in support of those measures that the President and the Senate, under the Constitution, are empowered to cede territory of the United States and relinquish sovereignty when it is deemed advantageous to do so.

The same opinion was expressed by necessary implication in section 4 of the Guano Islands act (11 Stat. 119), by which the right to abandon islands brought under the sovereign control of the United States pursuant to that statute is asserted. It must have been entertained by the Senators who voted in support of

the proposed joint resolution (ante, p. 19) by which the temporary character of the retention of the Philippines was asserted, and by all Members of both Houses who voted in support of the Jones law.

If the question of the constitutionality of the proposed relinquishment of sovereignty over the Philippines could be presented for judicial review, the exercise of the power in the cited instances, and the adoption by the Senate and Congress of measures which of necessity imply the opinion that the power exists, would properly be taken into consideration and given great weight.

Henry Clay was evidently of the opinion (ante, p. 6) that Congress is vested with power to cede territory. Calhoun appears to have entertained the same view. In his Discourses on the Constitution and Government of the United States (vol. 1, p. 233) he said:

"There still remains another and more important limitation, but of a more general and indefinite character * * * among which it seems to be settled that it can not change or alter the boundary of a State or cede any portion of its territory without its consent. Within these limits all questions which may arise between us and other powers, be the subject matter what it may be, fall within the limits of the treaty-making power and may be adjusted by it."

In Moore's International Law Digest (Vol. V, p. 171 et seq.) citations show that such eminent authorities as Hamilton, Marshall, and Story were of the opinion that the power to cede territory had been delegated to the National Government. Mr. Justice Story is quoted as saying that in a conversation with Chief Justice Marshall that great authority said that:

"He was unequivocally of opinion that the treaty-making power did extend to cases of cession of territory, though he would not undertake to say it could extend to all cases; yet he did not doubt it must be construed to extend to some." (Moore, op. cit. Vol. V, p. 173.)

In Crandall's work on Treaties, Their Making and Enforcement, the author, after a review of the precedents, expresses the opinion that even as to territory within a State the power of cession is vested in the treaty-making power of our Government, and may be exercised whenever the vital necessity for such action arises. As to other cessions he says:

"In respect of territory not within the boundaries of a State, the Central Government exercises, subject to the express prohibitions of the Constitution applicable thereto, all the powers of government enjoyed by both the central and State Governments over territory within the limits of a State. * * * The power to cede outlying territory is no less essential to the full exercise of the treaty-making power of the United States * * * than is the power to acquire."

The same conclusion is expressed by Butler, after a full consideration of the applicable precedents with respect to the constitutional limitations upon the treaty-making power (Treaty Making Power of the United States, vol. 2, p. 393).

In Kent's Commentaries (Vol. I, p. 167, note 3) the learned author, after adverting to the fact that by the Webster-Ashburton treaty of 1842 territory claimed by Maine had been "ceded to Great Britain," says that as regards the power to cede territory within a State "the better opinion would seem to be that such a power of cession does reside exclusively in the treaty making power, under the Constitution of the United States * * *."

The opinion that the National Government is possessed of power to dispose of territory, not only through the treaty-making power but by act of Congress, is also expressed by Doctor Willoughby (Constitutional Law, vol. 1 (2d ed.), p. 424). He rests his opinion upon the theory of "resulting powers," to which reference is made (post, p. 36) hereafter.

In the case of Fort Leavenworth Railroad Co. *v.* Lowe (114 U. S. 525, 541) the court, referring to the Webster-Ashburton treaty, said, obiter:

"The jurisdiction of the United States extends over all the territory within the States, and, therefore, their authority must be obtained, as well as that of the State within which the territory is situated, before any cession of sovereignty or political jurisdiction can be made to a foreign country."

In the case of Gregory *v.* Riggs (133 U. S. 258, 267) it was said, citing the Fort Leavenworth Railroad Co. decision:

"The treaty power, as expressed in the Constitution, is in terms unlimited, except by those restraints which are found in that instrument against the action of the Government or its departments, and those arising from the nature of the Government itself and that of the States. It would not be contended that it extends so far as to authorize that which the Constitution forbids, or a change in the character of the Government, or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent. * * * But with these exceptions it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country."

In Jones *v.* United States (137 U. S. 202) the court upheld the authority of Congress to regulate, by legislation, the exercise of the power of the United States, granted by the law of nations, to acquire territory by discovery and occupation and to exercise jurisdiction over territory so acquired—

"* * * for such period as it sees fit * * *."

This may be regarded as concurrence in the opinion of Congress, as expressed in the guano islands act, supra, that under the Constitution sovereignty over unincorporated territory may not only be acquired by legislative action but by like action may be relinquished.

In this connection the remarks of Mr. Justice White and the other concurring Justices in the case of Downes *v.* Bidwell (182 U. S. 244, 343) are interesting. There can be no doubt that the distinguished jurists who subscribed to that opinion held the view that Cuba at that time was unincorporated territory subject to the sovereignty of the United States, and that the obligation to withdraw it was moral, not legal. The joint resolution of April 20, 1898, was a statement of intention, no more binding in law than is the declaration of purpose in the preamble to the Jones law. Nevertheless the opinion was expressed by Justice White and his concurring associates that the "legislative department," in its own discretion as to time and conditions, might divest that sovereignty by relinquishment.

The power of Congress to establish an independent government in the Philippines is also assumed by Mr. Justice White in his "practical illustration" (p. 318) of an "autonomous government" for the islands, which might be created should Congress determine that their inhabitants should no longer "continue appurtenant to the United States." The same opinion is indicated equally forcibly in the opinion of the court in the cited case, written by Mr. Justice Brown. He said (p. 283):

"Whatever may be finally decided by the American people as to the status of these islands and their inhabitants—whether they shall be introduced into the sisterhood of States or be permitted to form independent governments—it does not follow that in the meantime * * * the people are * * * unprotected by * * * our Constitution * * *."

It can not reasonably be understood that the reference in this citation to "the American people" indicates the view that their action by an amendment to the Constitution would be required to permit the grant of independence. The quoted remark relates equally to the admission of the new territory to statehood, which, if desired, the American people could exercise through the agency of Congress.

Again, in Justice White's concurring opinion in the cited case, he said (p. 317) that although as a result of a "calamitous war or the necessity of a settlement of boundaries" citizens of the United States might be expatriated "by action of the treaty-making power, expressly or impliedly ratified by Congress," this could not justify the general proposition that "territory which is an integral part of the United States may as a mere act of sale be disposed of."

The use of the word "integral" in this connection is significant, in view of the fact that the crux of the decision, with which the concurring Justices were in accord, is that—

"Porto Rico is a Territory appurtenant and belonging to the United States but not a part of the United States."

Another significant remark to be found in the opinion of the court (p. 285), written by Mr. Justice Brown, is that—

"If it be once conceded that we are at liberty to acquire foreign territory, a presumption arises that our power with respect to such territory is the same power which other nations have been accustomed to exercise with respect to territories acquired by them."

It will not be questioned that the general power to which reference is made includes not only the power of acquisition but the power of cession.

The status of the Philippines as unincorporated territory: It is apparent from what has been said that sharply differing opinions have always existed as to the power to dispose by cession of territory which pertains to a State; and the same doubt may exist, although in less degree, as regards the power, save under duress, to withdraw sovereignty over incorporated territory, such as Hawaii and Alaska, which is part of the United States. But the Philippines are not part of the United States but are territory belonging thereto; and it is believed that by reason of this fact the solution of the problem as to the power of Congress to release them from our sovereignty does not present the same questions as those which would arise were such action contemplated with respect to Alaska or Hawaii.

That the Philippine Islands and Porto Rico are unincorporated territories belonging to but not forming an integral part of the United States is now firmly established by a series of decisions, the most important of which are Downes *v.* Bidwell (182 U. S. 244), Door *v.* United States (195 U. S. 138), Rassmussen *v.* United States (197 U. S. 516), and Balzac *v.* Porto Rico (258 U. S. 298), decided in 1921. In the Balzac case the earlier decisions were summarized and approved in the statement that by them it had been "settled * * * and confirmed that neither the Philippines nor Porto Rico was territory which had been incorporated in the Union, or become a part of the United States as distinguished from merely belonging to it."

The practical result of this conclusion was the holding that "* * * the power to govern territory, implied in the right to acquire it, and given to Congress in the Constitution in Article IV, section 3, to whatever other limitation it may be subject, the extent of which must be decided as questions arise, does not require that body to enact for ceded territory, not made a part of the United States by congressional action, a system of laws which shall include the right of trial by jury, and that the Constitution does not, of its own force, carry such right to territory so situated."

The source of the power of Congress to cede or relinquish sovereignty over unincorporated territory: The fact that the

Philippine Islands have not been incorporated into and do not form an integral part of the United States is one of great significance with respect to the power of the Congress to withdraw, by voluntary legislative action, the sovereignty of the United States over that part of the national domain. From the standpoint of international law there is no difference, as regards our relations with other States, between the sovereignty we exercise over Guam and that which we exercise over Long Island; but in view of the fact that it is with us settled domestic law that the Philippine Islands are not "a part of the United States," but territory "merely belonging to it" (Balzac *v.* Porto Rico, 258 U. S. 298), one's natural inclination, on approaching the subject, is to assume that there must in the nature of things be a fundamental difference between the relations of the United States, as an entity, to its constituent incorporated units, and the relations of that entity to unincorporated territory "merely belonging to it."

The United States unquestionably constitute a sovereign state, vested with all the powers which such states enjoy under the law of nations, which include the capacity to acquire and to cede territory (Hall, International Law, 4th Edition, pp. 47-48). It can not be disputed that the United States possesses these powers. The only question which has arisen concerning the matter is whether the authority to exercise the powers of the Nation has been delegated to the National Government by the Constitution, or whether it is a power inherent in the Nation but which still lies dormant in the body politic. With respect to the power to acquire territory, through the treaty-making power and congressional legislation, it is definitely settled that necessary authority has been vested by the Constitution in the National Government, and its repeated exercise has been acquired by treaty and by the action of Congress.

As summarized by Doctor Willoughby (op. cit., p. 408), the constitutional power to annex foreign territory has been held to arise from the power to admit new States into the Union (Constitution, Art. IV, sec. 3, cl. 1); the power to declare and carry on war (Constitution, Art. I, sec. 8, cl. 11); the power to make treaties (Constitution, Art. II, sec. 2, cl. 2); and the power, as a sovereign State, to acquire territory by discovery or occupation, or by any other methods recognized as proper by international usage.

After a review of the decisions which have sustained the power to acquire territory, Doctor Willoughby (op. cit., p. 419) says:

"It is to be observed that in none of these cases is there any argument to show just why, and in what manner, the acquiring of foreign territory is a necessary or proper means by which war may be carried on or treaties entered into. This leads to the consideration of the doctrine which constitutionally speaking, appeals to the author as the soundest mode of sustaining the power of the United States to acquire territory, as well as one which, in application, affords the freest scope for its exercise. According to this doctrine the right to acquire territory is to be searched for not as implied in the power to admit new States into the Union, or as dependent specifically upon the war and treaty powers, but as derived from the fact that in all relations governed by the principles of international law the General Government may properly be construed to have, in the absence of express prohibition, all the powers possessed generally by the sovereign states of the world. The doctrine thus is that the control of foreign relations being exclusively vested in the United States, that Government has in the exercise of this jurisdiction the same power to annex foreign territory that is possessed by other sovereign states."

An example of acquisition of territory, by authority of Congress, which can be justified only upon the theory advocated by Doctor Willoughby, is afforded by the guano islands act of 1856 (Revised Stats., secs. 5570 et seq.; U. S. C. A., secs. 1411 et seq.). By this act Congress provided that unoccupied guano islands, not subject to the jurisdiction of any other power when discovered and occupied by a citizen of the United States, might, at the discretion of the President, "be considered as appertaining to the United States."

It was provided that "all acts done and offenses or crimes committed" on such appurtenant islands should be subject to the laws of the United States applicable to national ships on the high seas. One of the islands brought under the operation of this act was Navassa. A homicide subsequently occurred on the island, and the prosecution of the offense involved a determination of the validity of the guano islands act. No express authority for the act can be found in the Constitution. The United States Supreme Court, nevertheless, decided that the legislation was valid (Jones *v.* United States, 137 U. S. 202), without direct reference to any specific provision of the Constitution or to the doctrine of implied powers, upon the ground that the United States as a sovereign state enjoys "by the law of nations" the power to acquire dominion of new territory by—

"* * * discovery and occupation as well as by cession and conquest * * *"—

And further held that this principle afforded—

"* * * ample warrant for the legislation of Congress concerning guano islands."

The opinion thus expressed was repeated many years after by Chief Justice Fuller in his dissent in Downes *v.* Bidwell (182 U. S. 244, 369), in which he said:

"The power of the United States to acquire territory by conquest, by treaty, or by discovery and occupation is not disputed, nor is the proposition that in all international relations, interests, and responsibilities the United States is a separate, independent, and sovereign nation."

The decision in the Guano Islands case clearly and of necessity implies that the court was of the opinion that the Constitution has conferred upon the organs of the National Government authority to exercise certain powers possessed by the United States by reason of its status as a sovereign nation, although such authority has not been included in words in the Constitution by express delegation or by necessary implication from any one of the expressly delegated powers. It is only upon this theory that such congressional legislation as the guano islands act and the resolution for the annexation of Hawaii can be satisfactorily explained and justified.

The Constitution (Art. I, sec. 8) delegates to Congress authority to make all laws "necessary and proper" for the exercise of the powers enumerated in the section, and also such laws as are needful to carry into execution "all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

The effect of the adoption of the Constitution was to create a nation. It was and is vested, to the exclusion of the individual States, with all power appertaining to its status under the law of nations as a State (Pang Yue Tung *v.* United States, 149 U. S. 698). As Doctor Willoughby states (op. cit. Vol. I, p. 64):

"* * * The supreme purpose of our Constitution is the establishment and maintenance of a State which shall be nationally and internationally a sovereign body."

The same writer says (Vol. I, p. 66) that the doctrine of implied powers is sufficiently broad to justify the exercise by the Federal Government of powers not deduced from specific grants of authority, but from the fact that the United States, as to its own citizens, is "* * * a fully sovereign national state, and, with reference to other states, a political power equipped with all the authority possessed by other independent states."

This view was stated with great force by Senator Foraker in the Senate debate upon the annexation of Hawaii. He stated (Willoughby, Vol. I, p. 342) that prior to the organization of the Union each of the thirteen original States was vested with all the powers inherent in sovereignty, including the power to acquire new territory. By the creation of the Union under the Constitution the individual States surrendered this power. The necessary conclusion, he argued, is that the effect of the denial to the individual States of any power which they formerly possessed as an attribute of sovereignty was to confer it by implication upon the Federal Government. The Senator's contention is just as applicable to the power to cede unincorporated territory or to relinquish or abandon sovereignty over it as it is to the power to acquire it.

The wording of the last paragraph of section 8 of Article I of the Constitution clearly shows that its authors believed that other powers than those expressly or by implication conferred by the preceding specific enumeration had been vested in "the Government of the United States." It was recognized at an early period that there are powers of government delegated by the Constitution, which need not be traced directly, to warrant their exercise to one or more of the specifically enumerated grants. It was said by Chief Justice Marshall in Cohens against Virginia that "* * * it is not indispensable to the existence of every power claimed for the Federal Government that it can be found specified in the words of the Constitution or clearly and directly traceable to some one of the specified powers. * * * It is allowable to group together any number of them and to infer from them all that the power claimed has been conferred."

Justice Story, in his work on the Constitution (par. 1256), first published in 1833, says, after discussing the doctrine of implied powers:

"It may be well in this connection to mention another sort of implied power, which has been called with great propriety a resulting power arising from the aggregate powers of the National Government. It will not be doubted, for instance, that if the United States should make a conquest of any of the territory of its neighbors the National Government would possess sovereign jurisdiction over the conquered territory. This would, perhaps, rather be a result from the whole mass of the powers of the National Government and from the nature of political society than a consequence or incident of the powers specially enumerated. It may, however, if an incident to any, be an incident to the power to make war."

Justice Story states (par. 1285) that the only theory upon which the acquisition of Louisiana can be justified is that "the right to acquire territory was incident to national sovereignty; that it was a resulting power growing, necessarily, out of the aggregate powers confided to the Federal Constitution * * *." The subsequent acquisition of Florida, he points out (par. 1288), which was acquiesced in by all the States, "can be maintained only on the same principles," and illustrates the truth that "constitutes of government require a liberal construction to effect their objects * * *."

The germ of the theory of resulting powers arising from the Constitution, distinct from and in addition to the powers expressly granted, and those incidental to them, as expounded by Story, may, perhaps, be found in Hamilton's statement (The Federalist, Ford's edition, p. 657) that "it is not denied that there are implied as well as express powers, * * * and for the sake of accuracy it shall be mentioned that there is another class of powers which may be properly denominated resulting powers. * * * This would be rather a result from the whole mass of the powers of the Government and from the nature of political society than a consequence of either of the powers specially enumerated."

The theory of resulting powers arising from the Constitution as a whole, construed in the light of the purpose to create a sovereign nation, has been expressly recognized by the Supreme Court. In the legal tender cases (12 Wallace, 457, 533) the court, after asserting that the express powers should be construed in the

light of the paramount purpose of the framers of the Constitution to create a "government sovereign within its sphere," said:

"The same may be asserted also of all the nonenumerated powers included in the authority expressly given 'to make all laws which shall be necessary and proper for carrying into execution the specified powers vested in Congress, and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof.' It is impossible to know what those nonenumerated powers are, and what is their nature and extent, without considering the purposes they were intended to subserve. Those purposes, it must be noted, reach beyond the mere execution of all powers definitely intrusted to Congress and mentioned in detail. They embrace the execution of all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof * * *.

"And here it is to be observed it is not indispensable to the existence of any power claimed for the Federal Government that it can be found specified in the words of the Constitution, or clearly and directly traceable to some one of the specified powers. Its existence may be deduced fairly from more than one of the substantive powers expressly defined, or from them all combined. It is allowable to group together any number of them and infer from them all that the power claimed has been conferred. Such a treatment of the Constitution is recognized by its own provisions. This is well illustrated in its language respecting the writ of habeas corpus. The power to suspend the privilege of that writ is not expressly given, nor can it be deduced from any one of the particularized grants of power. Yet it is provided that the privileges of the writ shall not be suspended except in certain defined contingencies. This is no express grant of power. It is a restriction. But it shows irresistibly that somewhere in the Constitution power to suspend the privilege of the writ was granted, either by some one or more of the specifications of power, or by them all combined. And that important powers were understood by the people who adopted the Constitution to have been created by it, powers not enumerated, and not included incidentally in any one of those enumerated, is shown by the amendments. The first 10 of these were suggested in the conventions of the States, and proposed at the first session of the First Congress, before any complaint was made of a disposition to assume doubtful powers. The preamble to the resolution submitting them for adoption recited that the 'conventions of a number of the States had, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added.' This was the origin of the amendments, and they are significant. They tend plainly to show that, in the judgment of those who adopted the Constitution, there were powers created by it, neither expressly specified nor deducible from any one specified power, or ancillary to it alone, but which grew out of the aggregate of powers conferred upon the Government, or out of the sovereignty instituted. Most of these amendments are denials of power which had not been expressly granted, and which can not be said to have been necessary and proper for carrying into execution any other powers. Such, for example, is the prohibition of any laws respecting the establishment of religion, prohibiting the free exercise thereof, or abridging the freedom of speech or of the press.

"And it is of importance to observe that Congress has often exercised, without question, powers that are not expressly given nor ancillary to any single enumerated power. Powers thus exercised are what are called by Judge Story in his Commentaries on the Constitution, resulting powers, arising from the aggregate powers of the Government * * *."

It is believed that the theory of resulting powers advanced by Story and expounded by Senator Foraker (ante, p. 35) is logical and convincing. That theory does not, of course, involve the assertion that there are vested in the National Government or in any department of it inherent sovereign powers—that is, powers which may be exercised independently of the Constitution, or which do not flow from the grants of power considered singly or collectively. While it may be admitted that it is difficult to define sharply the line which separates the resulting powers from those which, if asserted, could be maintained only upon the inadmissible theory of inherent sovereign powers, it is clear that the power to acquire territory, either by treaty or by congressional action, is one which is possessed by the National Government under the Constitution and not independently of it.

If the power to acquire territory is one which results from the creation of the United States as a sovereign nation by the Constitution, it seems equally clear that the power to cede territory is one which must be possessed by the National Government. If it is not essential to the exercise of the power to acquire territory to be able to point to some express grant of such power in the Constitution, or to find that it is implied as necessary or proper to the effective exercise of an express power, why should it be essential that the power to cede should be derived from the express or implied as distinguished from the resulting powers conferred by the Constitution? It is believed that on principle it is not and that the same reasoning which supports the power to acquire territory by discovery and occupation, as in the case of the guano islands (supra, p. 33) or the annexation of Hawaii by the action of Congress must lead to the conclusion that the power to cede territory is one which likewise results, growing (to use Justice Story's words) "necessarily out of the aggregate powers confided to the Federal Constitution." Unless it be conceded that they had in mind the power to "dispose of * * * territory * * * belonging to the United States * * * " conferred by section 3 of Article IV of the Constitution—a possibility considered elsewhere herein—upon what other theory than that of resulting powers can the authority to cede territory be made to rest by the members of the executive, legislative, and judicial branches of our Government who have from time to time asserted it? If, as President Monroe and Henry Clay believed and asserted, the ratification of the Florida treaty involved a cession of valid rights over Texas, upon what other possible theory of the Constitution could that treaty have been ratified? Mr. Justice White, for himself and Justices Shiras and McKenna, in his concurring opinion in the case of Downes *v.* Bidwell (supra), very definitely expressed the belief (p. 314) that the theory that the disposing clause of section 3 of Article IV of the Constitution "relates as well to a relinquishment or cession of sovereignty as to a mere transfer of rights of property, is altogether erroneous." Nevertheless, in the same concurring opinion it was said that if territory brought under the sovereignty of the United States is found by the "legislative department" to be unfit for incorporation, "the presumption necessarily must be that that department * * * will be faithful to its duty under the Constitution and, therefore, when the unfitness of particular territory for incorporation is demonstrated the occupation will terminate." If, as Justice White believed, the authority to relinquish or cede sovereignty can not be grounded upon the disposing clause of section 3 of Article IV of the Constitution, upon what theory, other than that of resulting powers, can it be assumed that the "legislative department" may withdraw sovereignty over territory believed unfit for incorporation?

The same theory must have been implied in the obiter statement (ante, p. 24) in the opinion in Gregory *v.* Riggs (133 U. S. 258, 267) that the treaty-making power, with the consent of a State of the Union, may cede territory within its boundaries. Such a cession would involve the relinquishment not only of State sovereignty but of the sovereignty of the United States. It could not be justified under section 3 of Article IV, for no area within a State can be regarded as "territory * * * belonging to the United States" within the meaning of that provision. The authority to make a cession of territory within a State, such as was contemplated in the cited decision and was exemplified by the Webster-Ashburton treaty (ante, pp. 9–11), can be referred only to the resulting powers of the National Government "growing out of the aggregate powers confided to the Federal Constitution" (Story, ante, p. 37).

If it be assumed, as it is believed it should, that the power to cede territory, subject to the limitations to be considered, is one of the resulting powers vested in the National Government by the Constitution, it is obvious that whether it is to be exercised by the treaty-making authority or by congressional legislation depends upon the character of the purpose to be accomplished. A cession of territory to a foreign state or its acquisition from such state would ordinarily be effected by treaty. The regulation of the acquisition of territory by discovery, or its relinquishment to permit the creation of a new state in the ceded territory, must be accomplished, if at all, by congressional action. Whichever may be the method adopted, the nature and source of the power exercised must be the same and subject to the same restrictions and limitations, if any there be.

If it be assumed that it was the purpose of the framers of the Constitution to vest in the National Government not only the power to acquire territory which it has so frequently exercised but also the power to dispose of territory, it would have been illogical to limit the exercise of these faculties exclusively to the treaty-making organ. The making of treaties of necessity implies the preexistence of two or more sovereign entities, capable of entering into such relations with each other. If, however, as the result of a successful war we were to conquer and occupy the whole of the territory of an enemy power and completely destroy its government, the annexation of such territory, if desired, would of necessity have to be accomplished by legislative action.

The creation of new sovereign entities by peaceful disintegration of greater political units is not an unusual phenomenon. The five existing Republics of Central America arose from the dissolution, by the Federal Congress, of the federated state of which they were formerly members.

The states which form the British Commonwealth of Nations, which are to-day autonomous communities, in no way subordinate one to another in any respect of their domestic or external affairs, have been recognized as such by the legislative organ of the Empire of which they were formerly mere colonial dependencies. The limitation of the power of relinquishment of sovereignty over unincorporated territory to the treaty-making organ of our Government would be a restriction based upon no logical distinction and would prevent its exercise, through the creation of new states, in the manner most compatible with the genius of our institutions.

The treaty-making power was said by the Supreme Court in Geofroy *v.* Riggs (133 U. S. 258, 267) to be unlimited "* * * except by those restraints which are found in that instrument against the action of the Government or any of its departments and those arising from the nature of the Government itself or of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent * * *. But with these exceptions it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country."

Doctor Willoughby (Constitutional Law, 1st Ed., vol. 1, p. 512) is of the opinion that the United States, through its treaty-making organ possesses "the constitutional power, in cases of necessity, to alienate a portion of or the entire territory of a State or States." The same reasoning, he says "* * * which supports the power of the United States as a sovereign power in international relations, to annex territories, is sufficient to sustain its power to part with them, even should the area parted with be a part of one of the States or include one or more of them."

If by this it is meant that such cessions may be made when required by pressure of superior hostile force, the correctness of the statement could not be disputed; but the author does not so limit the conclusion expressed. If such power does exist upon familiar principles the organ empowered to act would be the sole judge of the sufficiency of the necessity (Martin *v.* Mott, 12 Wheaton, 19). Obviously, if the power to cede territory within the States whenever deemed "necessary" by the treaty-making organ be conceded, its power to cede unincorporated territory could not be questioned; and the same reasoning would support the relinquishment of sovereignty by congressional action. This extreme doctrine, however, is not likely to command general assent.

The contrary view seems more persuasive, for as the paramount purpose of the Constitution is to create and maintain a "more perfect Union" than that which had existed under the Confederation, it is difficult to believe that it was ever intended to authorize the voluntary alienation of the territory of any State without its consent.

Whether the power of voluntary alienation extends in general to incorporated territory of the United States not within a State is open to much doubt. It could not have extended to the Northwest Territory, for the ordinance of 1787 had established that such Territory "should forever remain a part" of the Confederacy, and that it should ultimately be erected into States; and this existing engagement was one assumed by the United States under the Constitution (Art. VI).

As to territory subsequently acquired and incorporated but not admitted to statehood, it might perhaps be contended that the power to cede exists (Crandall, Treaties, ante, p. 23). The Supreme Court has used very sweeping language at times in its description of the scope of the power of Congress over the Territories. The fact, however, that the incorporated territory forms an integral part of the United States, the entity to which the unincorporated territory belongs, might well justify the contention that voluntary alienation of such incorporated territory, either by treaty or congressional legislative action, would constitute a partial dismemberment of the Nation, composed of all the people of the United States, contrary to the paramount purpose of the Constitution. The Government created by the Constitution is, in the exercise of the powers delegated to it, the agent of the entity, the United States, created by that instrument. The United States, as an entity, includes not only the States but all the territory which has been incorporated into it. In the Rassmussen case (197 U. S. 516, 520) the court, after pointing out that the insular cases turned upon the point that the Philippine Islands were under "* * * the sovereignty of the United States and were subject to its control as a dependency or possession, had not been incorporated into the United States as a part thereof, * * *" held that Congress, by appropriate legislation subsequent to the treaty of acquisition, had accomplished (p. 523) the "* * * incorporation of Alaska into the United States as a part thereof * * *."

Territory which by incorporation has become a part of the United States, although not admitted to statehood, is therefore an integral constituent of the Nation as a whole—of the entity to which the unincorporated territory belongs and for which the organs of the National Government act in the exercise of their delegated authority. In dealing with the unincorporated territory Congress acts not on behalf of the States which have been admitted to the Union but of the United States, the national entity, which includes all territory incorporated into it.

While from the standpoint of international law the United States as a national entity possesses the inherent power of cession of any part of its territory, whether incorporated or not, it may well be that from the standpoint of national constitutional law the organs of the National Government, save under the duress of exterior force, are without the power of voluntary alienation of territory within that part of the national domain which, in the domestic sense, constitutes the United States as distinguished from those unincorporated areas which belong to it. It may reasonably be contended that the grant of delegated powers, express or implied, and the powers resulting from the creation of a sovereignty, whether construed singly or by grouping, could not have been intended to permit the agent, by voluntary legislative action, or through the exercise of the treaty-making power—free from all elements of compulsion—to deprive the grantors of the delegated powers of the benefits of the political union which it was their purpose to create and maintain. That political union, as originally constituted, was not limited to the States. It certainly included the Northwest Territory, for the ordinance of 1787 declared and ordained that "* * * the said territory and the States which may be formed thereout * * *" should forever remain a part of the Confederacy of the United States of America. That territory, ceded to the Confederation by the States by which it was formerly claimed, became incorporated territory and an integral part of the United States, if not by the force of Article VI of the Constitution, then certainly by the reenactment by Congress in 1789 (1 Stat. 50) of the ordinance of 1787. As additional territory was thereafter acquired from time to time and incorporated into the United States, such territory after incorporation bore the same relation to the rest of the United States as had the Northwest Territory before the admission of the States formed from it. In all such territory the limitations upon the legislative power of Congress became operative ex propio vigore "as far as applicable" from the fact of incorporation (Alaska *v.* Troy, 258 U. S. 101). Such territories, whether "organized" or not, were regarded as embryo States (Shively *v.* Bowlby, 152 U. S. 1; Willoughby, Constitutional Law, 1st ed., Vol. I, p. 332).

These facts militate strongly in favor of the view that the paramount purpose of the Constitution to create a nation, composed of the people of all parts of the territory forming an integral part of the United States, constitutes a limitation upon the general power of cession resulting from the status of sovereignty. The existence of such a limitation is implied in the statement by Mr. Justice White in his concurring opinion in Downes *v.* Bidwell (182 U. S. 244, 317) that while the exigencies of unsuccessful war might require the expatriation of citizens of the United States, this could not "* * * justify the general proposition that territory which is an integral part of the United States may, as a mere act of sale, be disposed of."

These considerations, however, can not apply with respect to the Philippine Islands, which clearly are not an "integral part" of the United States but are merely territory belonging to it. The organs of the National Government are the agents of the United States, and the powers vested in them may reasonably be deemed to be subject to the "* * * restraints * * * arising from the nature of the Government itself * * *" (Geofroy *v.* Riggs, 133 U. S. 258, 267); that is, that it was created by the Constitution to preserve the national entity, the United States, which that instrument brought into being; but as regards the unincorporated territory "merely belonging" to the United States, no such limitation can be said to exist. The people of the unincorporated territories, to which the Constitution does not geographically apply, are in no sense the source of any of the powers of Congress. In legislating for them Congress obviously does not act in any respect as their agent but as the agent of the people of the entity, the United States, to which the unincorporated territory belongs. With respect to such territory the Government of the United States, in the exercise of the resulting power of cession derived from the Constitution by reason of the status of the Nation as a sovereign State, is subject to none of the "restraints * * * arising from the nature of the Government itself," which might be urged against the contemplated cession or relinquishment of sovereignty over incorporated territory.

Expatriation: One objection frequently urged against the power of voluntary cession or relinquishment of territorial sovereignty over territory, incorporated or not, whose inhabitants are citizens of the United States, is that the effect of such cession would be the expatriation of such citizens. While it is believed that the power to cede or relinquish sovereignty over unincorporated territory includes the power to expatriate its inhabitants, the question does not arise with respect to the Philippine Islands, for their inhabitants are not citizens of the United States.

The power to dispose of territory as implied in the express powers to regulate commerce and promote the national defense: The power to dispose of territory, an attribute of sovereignty, is analogous and naturally correlative to the power to acquire it. It is not contended that the grant to Congress of the power to acquire territory necessarily implies, from the standpoint of our constitutional law, the possession by the National Government of the power to relinquish it; but at least with respect to unincorporated territory, belonging to but not forming an integral part of the United States, the possession by Congress of the power to acquire territory naturally inclines the mind to assume that the intention to withhold a power so important and necessary can not readily be imputed to the framers of the Constitution.

That Congress does possess the power to acquire territory by legislative act can no longer be open to doubt. It was by this method that the Hawaiian Islands were acquired. Doctor Willoughby (op. cit., Vol. I, sec. ed., p. 429) expresses the opinion that this action was constitutionally warranted by the same reasoning by which the guano islands act was upheld. He says it may also be justified upon the theory that the annexation of the Hawaiian Islands by joint resolution of Congress was "a necessary and proper measure for the military defense of the Nation and for the protection and increase of our foreign commerce. * * *"

This thought seems to have been in the minds of the Senators who approved the committee report favoring the annexation of Hawaii. (Willoughby, op. cit., sec. ed. note, pp. 439-430.) It has long been recognized that there are powers which can not be ascribed to any one of the express powers delegated to the National Government by the Constitution, but which may be taken as implied by a construction of two or more of the express powers, considered in the aggregate. In the legal tender cases (12 Wallace 457, 533) the court said that certain powers of the Federal Government not specified in the words of the Constitution or clearly traceable to any one of the express powers "may be deduced fairly from more than one of the substantive powers expressly defined or from them all combined. It is allowable to group together any number of them and infer from them all that the power claimed has been conferred."

Although the enumerated powers of Congress do not include the power to acquire territory by annexation or to withdraw the sovereignty of the United States by voluntary legislative action over unincorporated territory, they do include the power to regulate commerce and to raise and support armies and navies; and regarding these powers together it may well be, as suggested by

Doctor Willoughby, that they may be taken as authorizing the exercise by Congress of the implied power to annex territory when, in its judgment, the result will be to strengthen the national defense and extend and protect our national commerce. Congress possesses a wide discretion in the adoption of measures deemed by it to be appropriate to the accomplishment of the objects of government committed to its care. It has been held, for example, that United States *v.* Gettysburg Electric Railway (160 U. S. 668, 681) that a grouping of the express powers to create and equip armies and navies and to levy taxes for the general welfare justify the exercise of an implied power of eminent domain to acquire by condemnation land upon which to erect monuments commemorative of heroic deeds of the national military forces. Such action, the court said, tends to enhance the respect and love of the citizen for the institutions of his country, and therefore is valid because "germane to and intimately connected with and appropriate to the exercise of some one or all of the powers granted. * * *"

The selection of the particular means by which a constitutional power, express or implied, may be exercised by the National Government pertains to the discretion of the department in which it is lodged. The multiple activities of the Federal Government, carried on as manifestations of the power to regulate commerce and to maintain armies and navies, are familiar to all students of our legislative and judicial history. If, as Doctor Willoughby suggests, the power to acquire territory by congressional legislative action may be referred to these powers, as constituting a means by which commerce may be promoted and our armed forces made more effective, it would seem that by a parity of reasoning Congress would have power to release the sovereignty of the United States over unincorporated territory if it should find that, due to changed conditions, the retention of such territory would retard the development of commerce and militate against the effectiveness of our armed forces.

The disposal clause of section 3 of Article IV of the Constitution: It is vigorously asserted by Judge Williams (12 Va. Law Rev. 1, 8–10) that the power of Congress to cede or relinquish sovereignty over the Philippines can not be predicated upon the disposal clause in section 3 of Article IV of the Constitution. By this provision Congress is given "* * * power to dispose of and make all needful rules respecting the territory or other property belonging to the United States. * * *"

Justice Malcolm (Philippine Constitutional Law, p. 179) and Doctor Willoughby agree that the proper construction of the word "territory" in the cited provision would make it a synonym of the word "lands" and limit the application of the disposal clause to rights enjoyed by the Nation as the owner of property in the Territories subject to the jurisdiction of the United States, as well as in the States of the Union.

At the time the Constitution was adopted the only Territory—using the word in its political sense—subject to the jurisdiction of the United States was the Northwest Territory. As this territory was permanently incorporated into the United States, it must be admitted that the cited clause was not intended to confer authority upon Congress to alienate sovereignty over it; and if the opinion of the majority in the Dred Scott Case (19 Howard 1393) were to prevail, this section of Article IV would have to be regarded as functus officio for all purposes, for the Chief Justice and his associates held that it was intended to apply only to the Northwest Territory and could not be regarded as a source of power to govern after-acquired territory.

This view was contrary to that entertained by Chief Justice Marshall, who, in the early case of Sere *v.* Pitot (6 Cranch 332), with the concurrence of his associates, expressed the opinion, with reference to the Territory of Orleans, that even were it to be doubted that the power to govern is implied in the right to acquire territory, it could be predicated upon the grant to Congress of the power to dispose of and make all needful rules and regulations respecting the territory belonging to the United States. This opinion he repeated in 1828 (American Insurance Co. *v.* Canter, 1 Peters 511) with reference to the government of Florida, which, until admission to statehood, was, he said, to continue to be "* * * a Territory of the United States, governed by virtue of that clause which empowers Congress to make all needful rules and regulations respecting the territory or other property of the United States * * *"; although he suggested that independently of this provision the power to govern might be derived from the power to acquire territory.

It is true that in 1840 the Supreme Court, upholding the power of Congress to authorize the President to lease mines in the Indiana Territory, said (United States *v.* Gratiot, 14 Peters, 526, 537) that the term "territory," as used in the cited section of Article IV, is "merely descriptive of one kind of property; and is equivalent to the word lands." But in 1853, in a case concerning territory acquired from Mexico (Cross *v.* Harrison, 16 Howard, 164), the court invoked this provision of the Constitution as a source of the power of Congress to govern acquired territories.

Decisions subsequent to the Dred Scott case show that the court did not consider that the question had been settled definitely. In Church of Jesus Christ *v.* United States (136 U. S. 1) the court held that the power to govern "Territories of the United States is * * * general and plenary, arising from and incident to the right to acquire the territory itself and from the power given" by section 3 of Article IV. In Downes *v.* Bidwell (supra) Mr. Justice White, concurring, said (p. 290):

"* * * In some adjudged cases the power to govern locally at discretion has been declared to arise as an incident to the power to acquire territory. In others it has been rested upon the clause of section 3, Article IV, of the Constitution, which vests Congress with the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States."

It is obvious, therefore, that there is authority for the opinion that even were the theory of implied powers of Congress to govern territory as the result of its acquisition to be rejected, that power could be granted upon section 3 of Article IV of the Constitution.

If the word "territory" means only land as property, it could hardly be assumed that the power to make all needful "rules and regulations" respecting it would imply the authority to set up the complicated governmental machinery which Congress has from time to time provided for our Territories. The manner in which the power has been exercised implies that it was assumed, if the cited provision of the Constitution was looked to as its source, that the word "territory" was to be construed in its political sense. Suppose that there had not been a square foot of public land in Porto Rico or the Philippines—no "territory" whatever in the limited sense of land of public ownership—would that have been an obstacle to the erection of such governments as those which exist there to-day? Obviously not. The powers of government have been exercised as though the word "territory" in section 3 of Article IV had precisely the same meaning as it has in the eighteenth amendment in the phrase "in the United States and all territory subject to the jurisdiction thereof." As there used it has been construed (Cunard Steamship Company *v.* Mellon, 262 U. S. 101, 122) to denote "the regional areas—of land and adjacent waters—over which the United States claims and exercises dominion and control as a sovereign power." At the time of the adoption of the eighteenth amendment the term "United States" had been defined judicially to mean the States and the incorporated Territories. The insular possessions had been declared to be unincorporated areas subject to the sovereignty of the United States, belonging to but not an integral part of it. The phrase "the United States and all territory subject to the jurisdiction thereof" was obviously worded in such a manner as to include the whole domain of the United States. Certainly it was not intended that the word "territory" should be construed to mean only places over which the United States has a mere proprietary interest. Nor is such meaning the only one of which the word "territory" in section 3 of Article IV is susceptible. On the contrary, the word "territory" is more properly used in the sense of domain subject to political sovereignty than it is as a synonym for land. The principal argument against understanding and applying it in this sense, in connection with the power of disposal contained in the cited provision of the Constitution, is that at the time of its adoption there was no territory of the United States from which Congress could have withdrawn sovereignty, because of the limitations due to the nature of the States and the permanency of the incorporation of the Northwest Territory. But if language used in the Constitution—in this particular instance the words "power to dispose of * * * territory * * *"—is broad enough to meet the requirements of an existing situation, must it be rejected because it must be assumed that the particular situation could not have been contemplated when the Constitution was adopted? In the Dartmouth College case (4 Wheat. 518) it was argued that the preservation of rights created by the grant of a charter could not have been in contemplation when the prohibition of the impairment of contracts by State legislation was written into the Constitution. To this contention the court, in the opinion written by Chief Justice Marshall, replied:

"* * * It is not enough to say that this particular case was not in the mind of the convention when the article was framed, nor of the American people when it was adopted. It is necessary to go further and to say that had this particular case been suggested the language would have been so varied as to exclude it, or it would have been made a special exception. The case being within the words of the rule must be within its operation likewise unless there is something within its literal construction so obviously absurd or mischievous or repugnant to the general spirit of the instrument as to justify those who expound the Constitution in making it an exception."

Can it be assumed that if the framers of the Constitution had been told that "the power to dispose of * * * the territory belonging to the United States" might in the future be construed as authorizing the relinquishment of United States sovereignty over an unincorporated territory on the other side of the Pacific, to enable its people to create a government of their own, upon the suggestion of this particular case the language would have been so varied as to exclude it? Is the contemplated construction one which is "obviously absurd or mischievous or repugnant to the general spirit" of the Constitution?

Henry Clay was obviously of the opinion that the power to cede territory was possessed by Congress under section 3 of Article IV of the Constitution—that opinion was the foundation of his opposition, and that of his supporters in the House (ante, pp. 6–8) in 1820, to the then pending Florida treaty; and this opinion is also expressed by Doctor Willoughby (Constitutional Law, 2d ed., Vol. I, p. 423), who says on this subject:

"* * * But the fact is that the Supreme Court, as will be later shown (Ch. XXV), has repeatedly and definitely committed itself to the proposition that this grant relates to political or jurisdictional rights of the National Government as well as to proprietary rights. It would seem, then, that, giving to the provision this political as distinguished from merely proprietary signification, it would follow that the power granted to Congress to 'dispose' of territory belonging to the United States implies not merely a right to sell the lands or other property of the United

States but to release the political sovereignty of the United States over such territories by sale or cession to another power, or simply by withdrawing its own sovereignty and thus recognizing the independence and self-sovereignty of such territory."

Therefore, either upon the theory of resulting powers or upon that of the power of disposal under section 3 of Article IV, Congress is vested with constitutional authority to relinquish the sovereignty of the United States over the Philippine Islands and to permit its people to organize and establish an independent government.

F. C. FISHER,
Former Associate Justice, Philippine Supreme Court.

WASHINGTON, D. C., *March 1, 1932.*

CUSTOMS SERVICE

Mr. ODDIE. Mr. President, I ask permission to place in the RECORD a letter that I have requested from the Commissioner of Customs showing the effect of the proposed 10 per cent cut in the Treasury bill on the Customs Service.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

TREASURY DEPARTMENT,
BUREAU OF CUSTOMS,
Washington, April 25, 1932.

MY DEAR SENATOR: In response to the telephonic request of your secretary, I am pleased to submit herewith a statement which supplements the testimony given by Secretary Mills before the Senate Appropriations Committee with respect to the general cut of 10 per cent in the Treasury Department appropriations as contemplated by the McKellar resolution. In doing so, I wish to call your attention to the serious effect upon the Customs Service of any reduction in its appropriation for the fiscal year 1933 such as is contemplated by the recent Senate resolution which calls for a general cut of 10 per cent in Treasury Department appropriations.

As you well know, the Customs Service is and has been since its inception 143 years ago a revenue-producing agency of the Federal Government. Consequently, any reduction in personnel must of necessity, due to the nature of the service, be reflected in the revenue produced.

While business would cut its advertising costs, heat, rents, and other overhead expenses, it would not make inroads into its organization which would seriously cripple production.

The original estimates submitted by the Bureau of Customs for the fiscal year 1933 amounted to $25,518,400. Upon review by the Secretary of the Treasury, this estimate was reduced to $23,550,000—a reduction of $1,968,400. The Bureau of the Budget reduced this estimate an additional $500,000, and the House Appropriations Committee made a further reduction of $350,000, thereby bringing the customs appropriation for the fiscal year 1933 down to $22,700,000, or, in other words, a total reduction of $1,534,800 below the appropriation for the current fiscal year. Now, if a further cut of 10 per cent is added, as proposed in the Treasury Department-Post Office appropriation bill, it will mean an additional reduction of $2,270,000—thus reducing the appropriation for the next fiscal year approximately 15 per cent below that of the current fiscal year, which, in my opinion, would create a very dangerous situation.

There are at the present time 9,272 employees in the Customs Service, many of whom occupy technical positions requiring not only expert knowledge in their respective activities but years of training and experience as well.

This service has already been forced to reduce its personnel to the lowest number consistent with efficient administration as a result of the retrenchment order issued by the Secretary of the Treasury on May 6, 1931. Since that time vacancies have been filled only in key positions and other positions which were considered necessary for the absolute functioning of the service.

If a further reduction of 10 per cent is made, it will be necessary to dismiss approximately 1,100 employees from the Customs Service. Such action, however, will necessitate the closing of practically all interior ports and districts throughout the United States. Such action, as you know, would compel all importers of merchandise to clear their shipments at the first port of arrival in the United States and would practically eliminate the shipment of foreign merchandise in bond.

While I am in complete accord with the furlough proposal offered by the President, many difficulties will be encountered by the Customs Service even with this plan. For instance, there are 173 ports of entry throughout the United States where only one man is stationed; 52 ports at which 2 men are stationed; thirty-four 3-man ports, and nineteen 4-man ports; in other words, there are 278 ports of entry out of a total of 379 ports where less than 4 men are stationed at each port. Obviously the furlough plan can not be adopted at these ports, with the consequent result that the larger ports must carry the entire burden or many of the smaller ports of entry closed entirely.

To meet the proposed 10 per cent reduction it will be necessary to dismiss no less than 1,088 employees, thereby bringing the force down to 8,184 for the fiscal year 1933. At this point it is significant to note that in 1911, a time when the Customs Service did not function in connection with the enforcement of the prohibition laws, aircraft laws, narcotic importing and exporting act, and various other laws since written into the statutes, the Customs Service comprised 8,324 individuals.

The prevention of the smuggling of liquor, narcotics, and other contraband has added tremendously to the work of the organization, with the consequent necessity of assigning almost one-fifth of its entire force to this work alone. Notwithstanding this fact, the proposed reduction will compel us to reduce our organization to the extent of 140 employees below that of 1911.

I wish to point out further that due to the inflexibility of the Customs Service, it will be necessary to distribute this cut throughout the entire organization. For instance, the entire liquidating force, including liquidators in comptrollers' offices, entry clerks, examiners, verifiers-openers-packers, and other classes of employees would have to be reduced.

While there are approximately 270 employees in the seven comptrollers' offices whose annual salaries aggregate one-half million dollars, these employees have year after year changed or increased liquidations to the extent of several million dollars, thereby resulting in a direct addition to the revenue. Any reduction in this force must necessarily reflect in the ultimate production or revenue to the Government.

After urgent and earnest appeals by American manufacturers and dealers several years ago, a dumping unit was created for the express purpose of preventing the dumping of foreign-made goods in the domestic markets at prices ruinous to industry and trade in this country.

This unit will likewise suffer a reduction in personnel which can not fail to have a serious effect upon American trade and industry.

During the past fiscal year, examiners of merchandise as a direct result of their activities were responsible for an increase in the revenue to the extent of $5,370,226. This item covers additions to invoice value made as a result of the various examinations of merchandise and advance in rates.

There are 248 examiners in the Customs Service at an average salary of $3,335 per annum.

On the basis of the amount recovered to the revenue through these employees' activities ($5,370,226), it is proper to say that each individual examiner was responsible for increasing the revenue to the extent of $21,654. Deducting the average salary per examiner from this amount, the net profit to the Government upon its investment amounts to $18,319 for each man.

If a 10 per cent reduction is made in this force, it will be necessary to dismiss 25 examiners. While this reduction will save in salaries $83,375, the Government will at the same time lose in recoveries $541,350. Consequently the net loss to the Government would amount to $457,975.

The human destruction wrought by the illicit drug traffic is universally known, as is the fact that this traffic is supplied by smuggling.

As a direct result of the organization into searching squads of additional personnel authorized during recent years, more thorough examination of vessels has been made and definite progress in stamping out narcotic smuggling accomplished.

In the fiscal year 1928, 160 seizures of narcotics valued at $363,549 were made by customs officers; in 1929 there were 136 seizures valued at $482,781; in 1930 there were 142 seizures valued at $126,417; and in 1931 there were 196 seizures valued at $253,340, and aggregating the staggering amount of 66,674 ounces of drugs.

On April 6, 1932, customs searchers at New York examined an apparently legitimate shipment of toys which arrived that day from Europe on the French liner *Ile de France*, and, in addition to toys, found in this case 1,865 ounces of narcotic drugs. This seizure was made solely through the initiative of customs searchers.

A cut in personnel through reduced appropriations will necessarily fall upon the searching squads and the avenue for narcotic smuggling will again be opened.

For some time past it was realized by administrative heads in the Bureau of Customs that the force of customs agents was inadequate to efficiently cope with the increasing smuggling operations carried on by organized rings—particularly with respect to watch movements, narcotics, and liquor—in addition to the regular routine investigations relating to undervaluations, dumping, drawback, port examinations, etc. Representations were made therefore to the Secretary of the Treasury when the customs estimates for 1931 were being prepared for submission to Congress that with an increased personnel of 50 agents the expense involved would be offset many times over by accompanying additional recoveries. Provision was made, in fact, in 1931 estimate for an additional force of 50 customs agents, but to date only 30 of the authorized number have been appointed.

With this additional force of agents it was possible for the investigative unit to concentrate more on major investigations—that is, to keep agents employed continuously on particular investigations for weeks and months, whereas in the past it was necessary to handle such cases in routine fashion. The results that accompanied this increase in force during 1931 more than justified the representations made by the bureau heads, as shown by the fact that the $4,687,701 recovered as the result of the agents' activities in 1931 exceeded by $2,054,544 the amount recovered by them in 1929, and exceeded by $2,201,292 the recoveries from such source during the fiscal year 1930.

Under the contemplated cut of 10 per cent in the customs agency allotment for 1933 it will be necessary to reduce its personnel by 16 to 20 agents—so that the benefit derived from increasing the force to its present strength will be entirely dissipated—and will materially affect the efficient functioning of this branch of the customs work during the ensuing fiscal year.

It is also significant to note that the proposed tax bill which is now pending before the Congress carries various tariff items involving rates on oil, lumber, and coal, and also contains a provision for compensatory duty on commodities purchased on a depreciated currency basis. A tax is also contemplated on copper, with an intricate compensatory duty rate on manufactures of copper.

If this bill becomes law, additional work will necessarily be imposed upon customs officers, not merely one class of employees but inspectors, weighers and gaugers, samplers, entry clerks, liquidating clerks, examiners, and others. The depreciated currency provision alone will add a considerable burden to appraising officers and liquidators, as this new law will undoubtedly give rise to many highly technical questions.

I also wish to call your attention to an item contained in the proposed economy bill which eliminates the payment of overtime to customs employees.

Under the act of February 13, 1911, as amended by the act approved February 7, 1920, the master, owner, or agent of a vessel or vehicle for whom the services are rendered is required to pay this overtime. Therefore the continued payment of this overtime will in no way affect Federal funds, the only result of this provision being to deprive employees of overtime pay.

I also wish to point out that if this general cut of 10 per cent is made, it will most certainly give relief to bootleggers, rumrunners, racketeers, and every other class of lawbreakers, as the doors will be opened wide for all sorts of illicit traffic.

In closing I wish to add that the Customs Service has functioned during the past 143 years, and notwithstanding the fact that precarious times have been met in the past and several panics endured, this will be the first time in its history, if this 10 per cent reduction is made, that the service has been called upon to drastically reduce its force to meet a financial situation.

Very truly yours,

F. X. A. EBLE,
Commissioner of Customs.

Hon. TASKER L. ODDIE,
Chairman Subcommittee in Charge of Treasury Department Appropriation Bill, United States Senate, Washington, D. C.

REPORT OF THE MILITARY AFFAIRS COMMITTEE

Mr. CAREY, from the Committee on Military Affairs, to which was referred the bill (S. 2434) for the relief of Edgar H. Taber, reported it with an amendment and submitted a report (No. 594) thereon.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session.

Mr. ODDIE, from the Committee on Post Offices and Post Roads, reported favorably sundry nominations of postmasters.

Mr. HEBERT, from the Committee on the Judiciary, reported favorably the nomination of E. Coke Hill, of Alaska, to be district judge, district of Alaska, division No. 4, to succeed Cecil H. Clegg, whose term expired May 18, 1930.

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

BILLS INTRODUCED

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

By Mr. FLETCHER:

A bill (S. 4474) granting a pension to Frank T. Douglas alias Lewis Calhoun; to the Committee on Pensions.

By Mr. GOLDSBOROUGH:

A bill (S. 4475) for the relief of the Sanford & Brooks Co.; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 4476) for the relief of the Hamburg-American Line; to the Committee on Claims.

By Mr. HATFIELD:

A bill (S. 4477) to encourage the utilization of farming opportunities by certain destitute or unemployed persons; to the Committee on Education and Labor.

By Mr. WALSH of Massachusetts:

A bill (S. 4478) authorizing the appointment and retirement of Francis Joseph Thomas as an ensign in the United States Navy; to the Committee on Naval Affairs.

By Mr. FRAZIER:

A bill (S. 4479) repealing certain sections of the Revised Code of Laws of the United States relating to the Indians; to the Committee on Indian Affairs.

By Mr. BARKLEY:

A bill (S. 4480) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Woman's Club, of the city of Paducah, Ky., the silver service in use on the U. S. S. *Paducah;* to the Committee on Naval Affairs.

A bill (S. 4481) granting a pension to Alexander Steele; and

A bill (S. 4482) granting a pension to Daniel Wilson; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4483) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, and amendments thereto; to the Committee on the District of Columbia.

By Mr. WATSON:

A bill (S. 4484) granting a pension to Anna Saunders (with accompanying papers); to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 4485) to amend the agricultural marketing act, approved June 15, 1929, as amended; to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 11290) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

REVENUE AND TAXATION—AMENDMENTS

Mr. HOWELL submitted an amendment intended to be proposed by him to House bill 10236, the revenue and taxation bill, which was referred to the Committee on Finance and ordered to be printed, as follows:

On page 243, between lines 5 and 6, insert the following new section:

"SEC. —. There is hereby imposed upon energy sold by privately owned, operating electrical power companies a tax equivalent to 3 per cent of the price for which so sold, payable from net income but not otherwise."

On page 243, line 25, after "article," insert "(other than electrical energy)."

Mr. ODDIE submitted an amendment intended to be proposed by him to House bill 10236, the revenue and taxation bill, which was referred to the Committee on Finance and ordered to be printed, as follows:

On page 233, between lines 2 and 3, insert the following:

"(d) In addition to any other tax or duty imposed by law, there shall be levied, collected, and paid upon all goods, wares, articles, and merchandise mined, produced, manufactured, or produced or manufactured, wholly or in part, from materials any of which have been mined, produced, or manufactured in the Union of Soviet Socialist Republics, or in any territory subject to its jurisdiction or control, imported into the United States, a tax of 50 per cent ad valorem based on the American selling price of such or similar domestic articles as defined in section 402 of the tariff act of 1930."

MESSAGES FROM THE PRESIDENT

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3580) for the relief of Clara E. Wight.

RETURN OF SENATE ENROLLED BILL NO. 3584

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying enrolled bill, ordered to lie on the table:

To the Senate:

In compliance with the request contained in the resolution of the Senate of April 22, 1932 (the House of Representatives concurring), I return herewith the bill (S. 3584) entitled "An act to require all insurance corporations formed under the provisions of Chapter XVIII of the Code of Law of

the District of Columbia to maintain their principal offices and places of business within the District of Columbia, and for other purposes."

HERBERT HOOVER.

THE WHITE HOUSE, *April 25, 1932.*

THE WORLD COURT

Mr. BROUSSARD. Mr. President, I ask leave to have printed in the RECORD an editorial which appeared in the Louisiana Times-Picayune of March 19, 1932, entitled "World Court and Senate."

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

The editorial is as follows:

WORLD COURT AND SENATE

That hardy perennial issue, American adherence to the World Court, was taken out of storage last Wednesday and briefly examined by the Senate Foreign Relations Committee. The merest preliminary investigation uncovered "new complications" whose untangling may keep the committee busy for the rest of the session. The resolution of adherence, embodying the Root protocol, is still exposed to diverse interpretations. One of the committeemen insists that further reservations must be attached to safeguard "American rights."

This particular Senator, we believe, opposes adherence on any terms. But his argument impresses a proadherence confrère, who proposes that all doubts regarding the meaning and effect of the resolution be cleared away before the committee reports it. The method of clarification, as he outlines it, involves diplomatic correspondence with the other Governments holding World Court membership, to ascertain if they "agree that the protocol does not impair or affect the fifth reservation, and that the court can not, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has or claims an interest."

This diplomatic correspondence, if the anxious Senator's motion therefore is seconded by the committee and the Senate and undertaken by the State Department, should consume a good many weeks or months. Pending its completion, the Senate course would hold the matter of American adherence in abeyance—thus automatically shelving it for duration of the present session.

Another method of attaining the same objective—further delay—is proposed by a third committeeman. He suggests that consideration of the whole matter be postponed until the Geneva conference on disarmament completes its work and the American delegates thereto return and report on the prospect of international cooperation and the European state of mind. The Senate has a representative of its own on the Geneva delegation; the motion to await his counsel on the subject of adherence might set the further indefinite delay in the gracious light of a "senatorial courtesy."

Neither of these suggestions was adopted by the committee at Wednesday's sitting. Its members did not consider it advisable, perhaps, to shelve the question too abruptly. So they invited Secretary of State Stimson to give them his views on the protocol at a later sitting. This gesture toward further consideration probably is intended to pacify those adherence advocates outside Congress who are demanding action. But few or none of these will be so easily deceived in the face of the abundant indications that the Senate—whether or not a majority favors adherence—is as reluctant now as ever it has been in the past to meet the issue and settle it.

LOCAL SELF-GOVERNMENT

Mr. LOGAN. Mr. President, I ask permission to have printed in the RECORD a speech of Hon. R. C. P. Thomas, judge of the Warren County (Ky.) Court, delivered before the Association of County Judges held in Louisville, Ky., on April 8, 1932, on the subject of Local Self-Government.

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

The speech is as follows:

I was requested to discuss some phase of county government. The printed program, owing to a typographical error, gives my subject as "The function and treads of county government," when the subject selected is "The function and trends of county government," and while it is my purpose to call your attention especially to the county as a governmental unit, you may conclude before I have finished that the "Treads of county government" may not have been a misnomer after all. For in this motor age, the treads of county governmental tires have been worn quite smooth, blowouts are constantly occurring and county governments are parked on the highway of centralization. The odor of gasoline and the hum of the motor has increased the cost of local rural government to such an extent that the county as a governmental unit in many States of this Union is gasping for breath and local self-government is making its last stand before it may be numbered with departed glories. Unless heroic remedies are applied and our people see the light, the greatest aspiration of the human heart in government will be annihilated, the county and the minor governmental units sink into oblivion and local self-government, the shibboleth of our colonial ancestors, lost to us forever. Mr. Jefferson said, "It is not by the consolidation of powers but by their distribution that good government is effected. Were not this great country already divided into States, that division must be made, that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority. Every State again is divided into counties, each to take care of what lies within its local bounds; each county again into townships or wards, to manage minuter details; and again every ward into farms, each to be governed by individual proprietors. It is by this partition of cares, descending in gradation from general to particular, that the mass of human affairs may be best managed, for the good and prosperity of all."

Stated in another way, each individual should be left to work out his destiny and be unhampered only where it is for public good and to perform all the duties of citizenship within his power of fulfillment, and like again those beyond his power and within the power and province of the family should be left to the arbitrament of the family, and those things in government beyond the power of the family should be left to a governmental unit—the town, ward, or township—and likewise powers beyond fulfillment of the aforesaid units should be left to the county, and governmental necessities beyond the fulfillment of counties should be passed on to the State, and those powers beyond the fulfillment of the State should be left to the National Government as delegated. The National Government should not encroach on any governmental functions which could be performed by the State, and likewise the State should not undertake to perform governmental duties which could successfully be performed by the county or other local governmental units.

In the early days of this country when the population was scarce, the boundaries of the counties were large, and counties few. As the population increased and settlements were established, the counties became more numerous so that the people by horseback or oxcart or foot could more easily reach their county seat of government. At the time the first constitution in Kentucky was formed in 1792 there were 9 counties in Kentucky; in 1799, when the second constitution was formed, there were 25 counties; in 1850, when the so-called new constitution was formed, there were 100 counties; and at the present time there are 120. The experience in Kentucky has been duplicated in most of the States of the Union.

During the past two decades and during the development of the motor vehicle distances have been wiped out, and increased costs of hard-surfaced roads have not only added increased burdens of taxation but many county governmental functions, including road building, have been taken over by the State, and the larger counties have been required to pay taxes and licenses to assist counties that have been unable to help themselves.

And when you scrutinize conditions not only in Kentucky but in other States, the evolution in motor transportation, with its attendant governmental expenses, has not only alarmingly increased county indebtedness but has left but little for the ordinary and customary county expenses. In New York there are 13,544 units of local government and approximately 10,000 school districts, one for every 20 farms. Taxes in many instances exceed the farmer's income, and the area of farm land in New York has shrunk 4,500,000 acres since 1880. In Michigan there are 83 counties, 1,269 townships, and 6,873 school districts. And these units elected 43,902 officers. In 1928 taxes were delinquent on more than 9,000,000 acres of Michigan land and on nearly a million village lots. Many States are similarly affected, notably Indiana, Illinois, Missouri, North Carolina, Georgia, Tennessee, and Kentucky.

It has been asserted that $10,000,000 of assessed valuation is necessary to maintain the simplest county government, and according to the report of the Kentucky State Tax Commission for 1930 there are 45 counties in Kentucky with a less assessment for State purposes than $10,000,000. Ninety-nine counties of the State have less than $20,000,000 of property subject to taxation. Twenty-nine counties have less than 10,000 population and three with less than 5,000 inhabitants. Eighty-eight counties have less than 20,000 population. Twenty-five, or more than a fifth, of the counties cost the State approximately one-half million dollars more than the revenue they pay in, and are called pauper counties. Good business does not justify a county as a governmental unit of the State if it cost the State in excess of the revenue it pays in. These pauper counties are necessarily unable to provide a frugal local government, but become an annual liability on the income of the State to the extent of half a million dollars out of the revenues raised by taxes, to say nothing of road-building expenses to the State.

The areas of the various counties of Kentucky are very dissimilar and run from 69,760 acres to 498,560 acres, yet the difference in area does not affect the county governmental units as much as lack of taxable assessed valuation and lack of population. The evolution of the gasoline motor vehicle with its attendant speedier travel has obviated the necessity of smaller areas for county government, while the cost of hard-surfaced roads has placed it beyond the capacity of smaller areas to pay unless, perchance, the smaller unit has the assessed value of property to take care of the burdens imposed.

Many of the counties, including the large as well as the small, are now facing deficits or have increased their bonded indebtedness in many instances greater than their capacities to pay. It can be asserted truthfully the changes in transportation have so

vitally affected the expenses of county governments that it seems that major governmental surgical operations in boundaries will have to be performed, and even drastic reductions in officers and employees of the county governments in the aggregate will have to be made to meet the changes which have grown up around them during the course of the past 20 years. The horse and buggy have been driven from the highway. The car and the paved highway have changed the old order, and it is expedient to make governmental machinery and methods responsive to the necessities of such change.

The remedy which has been frequently discussed by political writers in America, and has received the approbation of many prominent men, is to enlarge the area of the counties. I am, therefore, calling this association's attention to it so that its members may give it serious reflective consideration.

Rural life is demanding governmental service, health service, graded and high schools, and other governmental agencies which were common to cities. This increased service can not be obtained by small counties or counties where the taxes from assessed valuation of property will not justify it. Motor-vehicle transportation makes larger counties or units possible. In any event the so-called pauper counties should be attached to adjacent areas sufficient in boundaries and wealth which could support the governmental agencies and adequate school facilities.

In consequence of the increased burdens upon local governmental units, the State has been compelled to absorb many functions within the power and province of county government, and in turn, without the consent of local governments, but through legislative enactment the State placed expenses and burdens upon counties which for a long time were considered peculiarly the province and function of State government. The National Government has so assumed functions within the scope and province of the States that in nearly every field of governmental endeavor there has been such a trend of governmental absorption of power by the larger governments, State and National, that the arm of local governmental endeavor has been palsied and the average citizen looks more to his State government, and still more to his National Government for relief in government, whether it be from the ravages of storm, of drought, of floods, or of whatever calamity comunities may be suffering from.

This seeming lack of responsibility of local government and the demand of the people for larger appropriations for everything, as long as they were under the anesthesia of indirect taxation by the National Government, have caused governmental employees to be increased alarmingly and governmental expenses to mount higher and higher until at last we find a whole Nation prostrate, and additional sources of taxes demanded for the purpose of balancing the budgets of Nation, State, county, cities, and local taxing units.

Ex-President Coolidge, in a recent article, states that in 1903 National, State, and local expenditures were $1,570,000,000, of which the State local costs were $913,000,000; while in 1929, total governmental expenses, National, State, and local, were $13,048,000,000. The expenses of State and local governments jumped from $913,000,000 in 1903 to $9,116,000,000 in 1929. In 1930 the ordinary family of five persons, directly or indirectly, was called upon to contribute to the Nation, State, and local units on the average of $416.05 yearly.

It staggers the imagination. The trouble is that local government was lost sight of and it did not matter if the money seemingly came from afar. The people did not realize that at last they were paying it. The farmers constitute about one-fifth of our population in the Nation and if we had dreamed that out of every dollar the farmer was receiving in income he was paying one-fourth of it to his governments and all classes were paying one-fifth of every dollar, I do not believe this drunkenness in government expenditures would have continued so long.

We are suffering from the decadence of local self-government. And the centralization of power has removed the government too far from the scrutiny of the individual citizen. The absorption of functions of the county by State and Nation, whatever have been the impelling causes, have brought havoc and ruin.

The present boundaries of counties in the State do not fit the changed conditions. If local self-government is reestablished, the county boundaries must be changed and enlarged to meet modern conditions and instead of having 120 counties in Kentucky 50 counties would suffice. Overhead expenses would be materially diminished, and under proper constitutional changes, duplications in government could be eliminated and efficiency in local government perfected.

These can not be accomplished without the people reaching the conclusion that great benefits would follow such a drastic change. The counties as at present constituted have been in existence a long time. Much sentiment has been built around them. The changes might have to come slowly. Efficiency in the county units as now established must first be brought about. Many things could be suggested, but officeholders and candidates for office where they might be affected usually fight changes, and they are usually organized. In consequence, duplicated agencies and activities of county government can not be eliminated because of opposition by the officeholders or candidates for office.

It is difficult to secure remedial legislation for county governments on account of the idea that offices exist for the officeholders and that an accounting for their emoluments is a matter in which the public has no concern. Duplicated agencies and activities in county government can not be brought about until the public mind is aroused over the benefits which will accrue to the taxpayer.

It is a hopeful sign that in many counties in this and other States taxpayers' organizations are being effected, conditions studied and programs promulgated for the benefit of the impoverished taxpayers. If the taxpayers, who have long been silent, will give serious study to the situation confronting counties and local taxing units, relief is in sight, but if not, local self-government will be annihilated and State and Nation will control all the activities heretofore carried out by local communities. As it is now, the county governmental agencies are without discretion, and with the multiplicity of legislative enactments are simply carrying out the mandates of State legislatures.

We must not accept centralization as the cure for the deficiences and nonefficiency of local governmental units. To trust all governmental functions to the National and State Governments would crumble the foundation on which our democracy is built.

Mr. Jefferson said, "We should thus marshal our Government into, 1, the general Federal Republic, for all concerns foreign and federal; 2, that of the State for what relates to our own citizens exclusively; 3, the county republics for all the duties and concern of the county; and 4, the ward republics, for the small, and yet numerous and interesting concerns of the neighborhood; and in government as well as in every other business of life, it is by division and subdivision of duties alone, that all matters great and small can be managed to perfection. And the whole is cemented by giving to every citizen, personally, a part in the administration of public affairs." And yet he was well aware that these subdivisions would be subject to change with changing conditions for he said:

"Let us as our sister States have done, avail ourselves of our reason and experience, to correct the crude essays of our first and unexperienced, although wise, virtuous, and well-meaning councils. And lastly, let us provide in our Constitution for revision at stated periods. What those periods should be nature herself indicates. By the European tables of mortality of the adults living at any one moment of time, a majority will be dead in about 19 years. Each generation is as independent of the one preceding, as that was all of which had gone before. It has then, like them, a right to choose for itself the form of government it believes most promotive of its own happiness."

CONSERVATION OF WILD LIFE

Mr. WALCOTT. Mr. President, I ask permission to insert in the RECORD a speech by Senator HARRY B. HAWES, delivered before the Tenth Annual Convention of the Izaak Walton League of America in Chicago on April 22d.

This speech deals with the investigations recently made by the Committee on Wild-Life Resources on the 4th, 5th, and 6th of April, presents some of the points developed in this hearing, and contains a suggestion for financing.

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

The address is as follows:

Mr. President, surveying the field of endeavor of those who have given generously of their time and money in the interesting effort to conserve and replenish the wild life of America, we find many splendid organizations, some of them purely local, others devoted to sectional and state-wide activities, and a few of national scope.

A volume might be written of the special efforts of the men and women who have given their very best to these associations. Besides these are those fortunate sportsmen who own their private preserves and clubs, but who, nevertheless, have taken a deep and unselfish interest in the subject and have spent liberal sums in investigation and experimentation and generously given to the public the benefit of improvements made by them.

Standing out conspicuously is that group which inaugurated the migratory-bird treaty with Canada and which since has attempted to extend its usefulness by a treaty of the same character with Mexico.

But of all these organizations and groups the one which seems nearest to me and more a part of myself is the Izaak Walton League of America, largely because I consider it what might be called a "grass-roots" organization; for it reaches into the smaller subdivisions of each State while at the same time it concerns itself with the larger problems of conservation in the individual Commonwealths and in the country as a whole.

My attachment to the league is also explained by the fact that I have to the best of my ability handled its problems of national legislation in Washington for a period of nearly 12 years.

And this has been for me an agreeable occupation. My early efforts were the occasion at times of some amusement, at others of some opposition because of a feeling that the vital affairs of the Nation were more important than its wild life, and that the time of the Senate and the House should not be devoted to what some of the Members thought in the early days were smaller and more trivial matters.

Fortunately, however, a conservation conscience has been slowly but surely developing. It was at first thought to be merely a matter of sentiment; but the thoughtful legislator has outgrown that opinion. He now realizes that conservation is part of the national program, involving as it does not only popular recreation but also problems of health and food, and the preservation for national purposes of the fine old frontier spirit of our ancestors.

The best efforts of the Izaak Walton League have been State efforts, but wherever it has concentrated upon some great na-

tional project, such as the upper Mississippi wild-life, fish, and game refuge, it has been signally successful; and it has generously and without jealousy supported movements of a national character initiated by other groups and other organizations. It has had the courage, on occasion, to disagree and condemn. Its democratic form of organization, its numerous chapters, and its large membership have given to it a political power greater than that of any other similar national organization.

It has been suggested that my remarks this evening be confined to a half hour's discussion of Federal authority and the Federal field in its relation to the broader field of activity. To understand the present situation a short statement of its causes seems necessary.

In our time of game plenty we made no preparation for its continuance. We permitted indulgence to blind us to the necessity of both the conservation and the restoration of wild-life resources. To-day we have reached the point of exhaustion and must balance our National Budget in this field as in the field of Government finances.

In the early days there were early practices, even necessities, which accounted for the waste of that period. The pioneers used game for food. They had little time for sport. Their immediate descendants replaced the herds of wild animals with their domesticated flocks and herds. Wild fowl were replaced with domestic ducks and geese, upland game birds with domestic chickens and turkeys. The skins of wild animals were replaced by leather made from bovines and sheep.

The wide open places were fenced; game cover was destroyed; swamps were drained; the rain water formerly absorbed into the land, thus forming a reservoir to prevent or minimize droughts, is now carried quickly away by artificial drainage to larger streams, causing floods, erosion, and the washing away of the fertile topsoil.

Into our streams and lakes and on the coasts of seas and gulfs we dumped the refuse of the Nation, and pollution of their waters followed. Dams and dykes stayed the migration of fish. Foreign species, like the carp, were imported. These destroyed our native game fishes.

The great demand for fish food by an increasing population always straining the supply stimulated the inventive genius of our people. The canoe, the rowboat, and the sailboat were replaced first by craft propelled by steam and afterwards by speedy boats driven by gasoline or electric power. All the hidden habitats of fish and game have been found; nets of great length and depth have taken the place of the shallow seine. Dynamite has been used, and whole rivers have been crossed by nets, destroying almost all species of water life. The banks of streams were denuded of trees and shrubs; erosion filled the bottom with a silt that generated poison gases. Drainage forced the waters into driving floods, destroying the spawn of fishes upon the shore and carrying breeding stock from their natural habitat to strange and unprotected places; aquatic plant life, food for the fishes, was washed away. The shade upon the banks is nearly gone. Everywhere the swift motor boat carries its party of energetic fishermen and hunters.

Our great forests are almost gone. The prairies are fenced and plowed; the mountains are burrowed with mines; the streams are polluted and dammed; the sky now has its observing airplane, and the telephone notifies the sportsman of the presence of both fish and game.

We are spending annually $650,000,000 in pursuit of fish and game and outdoor recreation, and it is costing more each year because additional thousands of our people are seeking health and pleasure in the open. This outdoor recreation is now a source of great revenue in many States and is increasing in importance in a large number of them.

Outdoor recreation saves health and restores it; it is a prime factor in promoting a healthy nation and giving to our children greater brawn, muscle, and longevity.

The outdoors has its spiritual side, with its communion with nature, its better understanding of God's wisdom, care, and beneficence, its teaching about plants, trees, animal, and fish life. All this adds to the experience of man, and for the child this instruction is vital.

The outdoors is less expensive than the hotel. It can be made as costly or as cheap as desired. It can be made to accommodate the pockets of all.

But outdoor life without the game birds, animals, and fishes loses its charm and attraction. It is like playing baseball without a ball, or like attending church without a sermon; like a dance without music, like an egg without salt, like a joke without laughter, or love without a kiss.

There are those who ride and ride and ride, who find in speed and movement in an automobile a satisfying diversion. There are those who are satisfied to do their shooting and their fishing with a camera, but their number is relatively small.

For those who do not use rod or gun we have saved the song bird and the bird of plumage, and for the farmer the insectivorous birds. Americans are turning their attention also to the gardens and the flowers so as to delight the eyes and the nostrils of these outdoor people.

But those who have inherited the instincts of the forebears (of the pioneer men and women) to enjoy the outdoors—and they are the vast majority—must have the chase, the conflict, the coordination of brain, eye, nerve, and muscle that gives the thrill, the real enthusiasm that comes with the strategy and skill required in fishing and hunting. In the absence of fish and game these incentives are gone, the desire disappears. Mechanics and an overcivilization put their death hand upon even mild outdoor adventure.

We have done so much and so well in many fields of science, comfort, sanitation, and education that it is strange we should have been guilty of such neglect of the wonderful natural resources which a wise and generous Providence has given.

To permit these to fail simply because we can not agree upon some practical, continuous, constructive plan or plans will be criminal.

It is true that to the extent of 80 or 85 per cent the problem is one for each individual State. Only the 15 or 20 per cent of it is of a Federal character. But this 15 or 20 per cent of it is vital part of the whole problem. It must be solved first, understood, coordinated. After that, it will be the easier of solution, the less expensive. Rightly directed, the program of solution will have the enthusiastic support of the sportsmen and women of the States. Accomplishment by Federal agencies will in turn stimulate State activity, furnish incentive, give advice and encouragement.

THE FEDERAL FIELD

We find in all the great nations of the earth that local custom, written into local laws, prevails. The response to local sentiment and opinion is seen in every form of government. Our Nation is a union of States which we have called the United States. The power of the national Government is limited and defined by our Constitution. It can not be extended farther without constitutional amendment.

During recent years, by various subterfuges and schemes for promoting projects, sometimes meritorious, there have been created bureaus, and commissions, through what might be called clerk-made laws. This bureaucracy has resulted in a great extension of Federal authority and activity. This is largely responsible for our billion-dollar deficit of to-day.

There is quite an obvious overlapping of national and State agencies, a duplication of effort followed by a duplication of costs. Business has become irritated; farmers are dissatisfied, and all thoughtful citizens (irrespective of the State or section from which they come) are opposing further increase of Federal activity with its lessening of State pride, State initiative, and local control. The old expression "States' rights" is more or less abandoned, but the resolve to preserve the State and the control of the State is now just as vigorously asserted in New England as it is in the States of the South.

I make this observation because, in asking for Federal aid or Federal control in the matter of saving and replacing our wild life, enthusiasts who are not fundamentalists or familiar with the psychology of the Congress sponsor proposals which are doomed to defeat in advance because these run counter to this opposition to further extension of Federal jurisdiction.

For illustration: The proponents of the recently introduced shell tax bill (H. R. 10604) proposed in their measure to give to the Secretary of Agriculture control not alone of migratory birds but of the administration and expenditure of money on upland game birds and fur-bearing animals. This was to be done by regulations, inhibitions, and plans issued by the Secretary of Agriculture. There were objections to the bill also because it sought for the first time to divest the Secretary of State of the treaty-making power and give it to the Secretary of Agriculture.

But the outstanding opposition, clearly and forcefully expressed by at least 95 per cent of the sportsmen's organizations and magazines of sport heard by the Senate committee in Washington on April 4, 5, and 6, was to the extension of power over the game departments of the States by a Federal bureau.

I call attention to this national psychology which will, in my opinion, prevent the domination of State departments by a single national department, and I recommend that all future proposals shall not only keep in mind the national feeling on this subject, but also the limitation of power possessed by the National Government in the field of conservation.

Federal activity, therefore, is confined exclusively, first, to its jurisdiction over the game and fish in its national parks and reservations; secondly, to its authority and direction over migratory birds, which for the purpose of this discussion is limited to ducks and geese; and, third, to its jurisdiction over navigable waters in the matter of fishes, limited even in this field by the shore-line rights of the States. While apparently this is a limited field, upon examination it broadens considerably and the utility and practical assistance of Federal control becomes at once a vital element, a necessary element, and an assisting force in State endeavors.

Before discussing what the Federal Government may properly do, a few figures as to the immensity of the subject may be illuminating. In 1931 approximately 5,300,000 fishing licenses were issued, including the combination licenses which number 4,500,000. Approximately 7,000,000 persons took out hunting licenses. Many States do not require licenses for individuals who shoot or fish on their own premises. The total who hunt and fish and pay a license for the privilege has been estimated at 13,000,000, approximately 30 per cent of our adult population.

According to figures of 1929, sporting firearms of a value of approximately $22,000,000, ammunition to the amount of nearly $43,000,000, and fishing tackle of various kinds approximating $25,000,000 were sold. Including in the sportsmen's equipment clothing, tents, boats, and various articles, it is estimated that the sports man and woman spends approximately $50 per capita a year. This, for those who take out hunting and fishing licenses alone, equals $650,000,000 annual expenditure. This excludes, of

course, the cost of transportation and other items of expense, which, if added, would probably increase the outdoor bill to $750,000,000.

It is estimated that the Federal Government has an investment in national parks of nearly $55,000,000; in fish hatcheries of $3,500,000; in game sanctuaries between $2,000,000 and $4,000,000.

The States own approximately 44,500,000 acres of land and water which have been set aside as bird and game sanctuaries or reserves. Even at an average value of only $7 an acre, State reservations and sanctuaries are worth approximately $300,000,000. The aggregate, therefore, of investments which the Federal and the various State governments have made for the purpose of preserving or increasing wild life is about $507,000,000.

Our Committe on Conservation of Wild-Life Resources made the following recommendation in its report of January 21, 1931:

"(a) The Federal Government's part in connection with game crops grown on State land is to assist the States to work out better game-cropping methods. The Federal function is research and demonstration.

"(b) On Federal lands the Federal Government should conduct its own game-cropping operations."

We have classified game as follows:

Class 1: Farm game.

Class 2: Forest and range game.

Class 3: Wilderness game.

Class 4: Migratory game.

Time will not permit a detailed discussion of these various classifications, but they are interesting and will be found in the report.

FOR FEDERAL ACTIVITIES

"Pending specific recommendations for changes in existing laws, or a coordination of activities, our committee recommends concentration on the following subjects by the proper departments.

"1. Lend trained men to State commissions for aid in investigation.

"2. Lend aid to the States to organize demonstration areas.

"3. In cooperation with the States, place more of the national forests under game management. Work out cooperative plans for limiting and allocating the annual kill.

"4. Game management on the public domain.

"5. More wilderness areas—congressional recognition of areas for wilderness recreation.

"6. Fact finding in wilderness game species.

"7. Game surveys: Lend game experts to States wishing to reorganize their game program.

"8. Furnish game experts to agricultural colleges presenting satisfactory programs for game fact finding and extension work.

"9. Assist in perfecting an animal game census and to secure standardized reports from license holders of the annual kill of all varieties of game animals for the benefit of more efficient administration of both State and Federal conservation agencies.

GAME EXTENSION

"It is the custom of the Department of Agriculture to station at appropriate agricultural colleges experts in various biological subjects relating to domesticated plant and animal crops.

"Many agricultural colleges now desire to assume their natural function as technical advisers to State game departments and to landowners. The Department of Agriculture should cooperate with such colleges by furnishing men to assist them, both in game-research and game-extension activities.

"The National Government, through its Departments of Agriculture and Commerce, and through its bulletins, should advocate—

"1. A complete understanding between the farmer, the landowner, and the sportsman, in relation to game and fish.

"2. An increase in the number of State experimental farms.

"3. An increase in the number of State fish hatcheries.

"4. The systematic practice of game management on all publicly owned lands.

"5. They should conduct a scientific research and investigation into the causes of disappearance of wild life, the regional control of predators, the causes and prevention of stream pollution, bird, fish, and animal diseases and noxious parasites, and the subject of proper food and lack of cover.

"6. A national game survey by States.

"7. Cultivate a close cooperation between national and State efforts in the exchange of information and statistics.

"8. A report from the Bureau of Biological Survey on the best methods of breeding our native game birds.

"9. A report from the Bureau of Fisheries on the best methods of breeding our fresh-water fishes."

The committee found that—

"The necessity for coordination and cooperation between State enforcement and national enforcement is self-evident.

"Industrial developments and the rapid expansion of the American population in its manifold activities and occupations have made serious inroads upon the forests and other natural environments of wild life. The marsh and other areas so necessary to the maintenance of wild fowl suffered especially by this development. Tremendous acreages were drained, and in many cases the soil exposed by the drainage operations proved to be worthless for agriculture."

And that there should be a closer coordination of the activities of the Federal Government in administering wild life, reforestation, parks, and reclamation projects, it recommended a codification of Federal laws.

It is considering one great department of conservation, under which shall come a consolidation of Federal efforts for the preservation and replacement of both fish and game under the direction of either a new secretary or a permanent under secretary. Because of the many other duties imposed upon the members of this committee, it has not completed its investigation and determination on this particular subject, which seems to be most interesting to sportsmen's organizations.

Realizing that the present Congress, faced by a tremendous and extraordinary deficit, and the necessity of increasing our tax burdens by approximately $1,000,000,000 annually, and eager to reduce the cost of government some $250,000,000, it would be inappropriate and futile to expect the National Legislature under the circumstances to make enlarged appropriations for Federal enterprises in this field.

SENATE BILL 263

The committee finally prepared and introduced Senate bill 263, which is called the coordination bill, intending, without additional cost, to bring into cooperation every department of the Government which has either a direct or an indirect interest in this matter; and, strange to say, we discovered that not only the Departments of Agriculture, Commerce, and Interior, but the Departments of Justice, State, Treasury, Post Office, Labor, War, and Navy all could do their part without additional cost, with some saving, and greater efficiency, through united effort.

With the passage of this bill millions can be saved in wild-life resources. The careless diversion of waters in one case on the North Carolina coast, the flooding of fresh waters with salt water, entailed a loss of millions of dollars. On the upper reaches of the Mississippi, by building nine dams instead of one huge dam, wild life and fish life will be conserved. When the Government in its solution of the flood problem of the lower Mississippi Valley begins its work of building great spillways, one approximately 100, and others 125 miles in length, and from 5 to 25 miles in width, attention should, and under the provisions of this bill must, be given to wild life.

The diversion of waters at one point in southeast Missouri involving 118,000 acres of land can in its way be utilized. This is true of all the great Government works, and especially is it interesting in connection with reforestation and the problem of erosion.

The enactment of the bill will be a valuable contribution to the popular welfare and impose no cost on the Government. It is now before the House committee, having passed the Senate by practically a unanimous vote.

THE MIGRATORY-WILD-FOWL NATIONAL HEARING

Three seasons of drouth and other causes inspired the Secretary of Agriculture to request an order from the President to limit the season to 30 days, cutting off two-thirds of the shooting season.

Many disputes arose as to the proper month to be employed. It provoked controversies, disagreements, and some bad blood. This reduction to one-third of the time allowed for shooting migratory birds had been preceded by a cut in the bag limit from 25 to 15 birds. There have been several proposals for raising money for the purchase of sanctuaries and the preservation intact of marsh lands and breeding places. The committee, therefore, deemed it advisable, in conjunction with its own investigation, to call to its assistance for its advice leading sportsmen, magazine writers, scientists, and game organizations.

Early in March it notified the public through the press that a hearing would be held on the 4th, 5th, and 6th of April, and that all were invited. A written request containing the following five inquiries was addressed to leading sportsmen and others:

1. To what extent is there a shortage in migratory waterfowl, particularly ducks and geese?

2. What are the underlying causes for this shortage?

3. What remedies can the Federal Government apply which will assist in restoring the migratory waterfowl population?

4. To what extent can the States assist in such a restoration?

5. How may the sportsmen themselves contribute to an increased migratory waterfowl population?

Seventy-two witnesses appeared in person. Twenty-eight others were unable to appear but filed written statements. The oral testimony alone covered 724 pages of typewritten matter. The briefs and exhibits, it is believed, will add another additional 600 pages, and the work when printed, it is estimated, will occupy over 600 pages of printed matter.

To digest this testimony, arrange it systematically, and draw conclusions of a probative character will require considerable time and is not yet even half done.

Some of the witnesses did not confine themselves to the five questions and were permitted to enlarge on matters that seemed to be their specialty.

Practically all of the witnesses disagreed with the designation of 30 days and the distribution of months in their allocation to different States.

But the discussion was singularly free from criticisms of the United States officials in the Bureau of Biological Survey. Formerly, when a sportsman had an idle pen, he very often without careful thought, attacked these officials. Now, it is generally understood that they are doing the best possible under difficult circumstances in an experimental field, and with a very limited amount of money. Twenty-four effective game wardens to police 48 States is upon its face an absurdity, although this small number has produced fine results, principally in restricting spring shooting and the sale of guns. With excellent pamphlets ready for distribution and no funds with which to publish them, studies for

colleges and universities ready for distribution and no representatives to deliver the lectures, lacking a great experimental farm, it is beginning to be generally understood that the Biological Survey and its competent executives need assistance rather than criticism.

Relying upon my recollection, and without having had opportunity to examine the transcript or digest it (so that any statement made by me now is subject to change of revision), may I be permitted to say that the evidence disclosed—

Question 1. That there is a shortage of wild fowl in certain sections of the country and that there are other sections in which this shortage is not apparent. There seem to be in some sections the usual supply of different breeds, but it was generally agreed that there is a shortage of the redhead, canvasback, bluebill, and gadwall—the choicest of birds. Apparently the black duck, pintail, and some other nondiving varieties are nearly as abundant as in 1930. The shortage is quite apparent in some sections and not observed in others. The coast-line flights seem to have suffered less than the valley flights, and because of the delayed winter the flights were later, sometimes coming after the season had closed.

Question 2. There was generally agreement that the draining of marsh land and swamps, the drying up through drought, the lack of rainfall, and the disturbances caused by these things in Canada, the big breeding ground, were responsible for the shortage.

Question 3. The universal consensus was that the purchase of sanctuaries and feeding grounds, stricter regulations, and better enforcement, accompanied by closer cooperation between States and Federal agencies, were the remedies to be applied.

Question 4. The State's part was to assist in purchasing these sanctuaries; to assist in policing them; to keep more accurate record of the kill; to gather more data as to the different species; to insure a more ethical education for the sportsman. Opposition was expressed by nearly all witnesses to any extension of authority by the Federal Government over upland game. There was practical unanimity that its activities should be limited by the authority it possessed under the migratory-bird treaty, exclusively to migratory birds.

Question 5. How shall Federal money be raised with which to purchase sanctuaries, breeding grounds, and rest places, and provide for an extended personnel for Federal enforcement? The old plan of a dollar Federal license fee was generally advocated. The almost unanimous indorsement of this plan was remarkable. "More Game Birds" presented in an effective way, with charts and illustrations, its plan for the cent-a-shell tax, but it seemed to stand alone. The cent-a-shell tax plan was opposed by the American Game Association, the officials of the Izaak Walton League, National Trapshooters Association, National Skeetshooters Association, National Riflemen's Association, editors of sporting magazines, and State officials.

The plan for the cent-a-shell tax was an entirely unselfish, sincere, and earnest proposal to procure an additional Federal revenue, but objections to it seemed to mount as each new witness appeared. These objections may be summarized briefly, as follows:

1. It would give the Secretary of Agriculture indirect control over 48 State commissions.

2. It would place a burden upon the trap and skeet shooter whose shells are not used in killing game.

3. It would create unnecessary boards and bureaus and would not be confined to the specific subject of migratory birds.

There were other general objections to putting the Secretary of Agriculture in the business of making treaties with a foreign nation (a function which belongs to the Secretary of State), for the purchase of lands for sanctuaries in Canada, where we should have no legal right to make purchases. The awkwardness of the machinery and the uncertainty of the revenue which might be diverted by an act of any Congress found general expression.

In addition to the dollar-a-year license plan and the cent-a-shell tax plan there was suggested the issuance of Government stamps to be purchased by the migratory-wild-fowl shooter and attached to the State license, providing in this way a revenue dependent upon the sale of the stamps but without involving an extension of Federal authority or Federal regulation over upland game birds or over State administrations.

In addition to the sportsmen who appeared, the manufacturers of guns and shells gave their testimony. The manufacturers stated that the adoption of the tax would curtail their business from 25 to 33⅓ per cent; that they employed 12,000 persons in 1929; at the present time this employment was reduced to 8,950 persons. Estimating that four persons are dependent upon the employment of one workman, in a normal year 60,000 persons would be affected, and in the present year 44,750 persons; that in normal years their sales of arms and ammunition were about $40,000,000, and during 1931 approximately only $25,000,000; that the imposition of this tax (in addition to the 10 per cent tax proposed by the House) would reduce the volume of their industry down to $17,000,000 or $19,000,000 annually. They estimated that the tax would increase the cost to the jobber by approximately $10 per thousand. It was their opinion that the sportsman would not willingly pay an increase of $15 per thousand for his ammunition.

These manufacturers of guns and munitions are proud of their business and its practical contribution to one of the needs of war. They stated that in the last three years they had spent $300,000 in assisting conservation and replacement of wild life and had prior to that time expended for the same purpose from their own revenues approximately $1,000,000; that they were anxious to solve the problem and do their part, as they had not only a sporting interest and a conservation interest, but a very practical business concern in the saving and replacement of game.

So we found the subject approached from nearly every angle, and I believe the hearing will be profitable to the Nation, profitable to the sportsmen, and instructive to the States.

Until the testimony is read and digested, our committee of five Senators can not decide upon any definite recommendation.

What I have had to say here is personal, my own impression; but throughout the discussion there seemed to be practical unanimity regarding two things:

1. Restoration of the old spread of 90 days from October 1 to January 15, with a curtailment of either 45 or 60 days in between these two dates; the exact allotment of time to be determined by the game officials of each State in cooperation with the Biological Survey. The broad spread and the narrower spread to be determined on the basis of recommendations made to the Biological Survey by State officials.

2. It seemed to be also generally agreed that in any national financing project the burden should be borne exclusively by those who enjoy the privilege and the pleasure of shooting migratory birds; that it would be unjust to extend the cost of a license or a tax upon shells to the sportsmen who find their relaxation and pleasure in hunting the smaller animals and what has come to be known as upland game.

The point is illustrated by the game situation in Pennsylvania. Pennsylvania is a restocked State which annually issues over 800,000 fishing and hunting licenses. During the last year for which there is a report there were killed in that State 96,000 deer, 447 bears, 3,500,000 rabbits, 455,000 squirrels, 28,000 raccoons, 4,000 wild turkeys, 212,000 pheasants, 222,000 quail, 72,000 shore birds, and only about 45,000 ducks and geese.

Putting it this way: About 4,600,000 birds and animals were killed by hunters, and only 45,000 migratory birds.

So the united sportsmen of Pennsylvania, through their various organizations, protested most vigorously against the cent-a-shell tax.

A most interesting sidelight on the Pennsylvania situation is the appointment of 800 deputy game wardens who worked last year without pay. If paid, their compensation would have exceeded $400,000. I believe that men are readily available in all of the States of the Union for this voluntary work under direction of the State, and even in the matter of migratory wild fowl volunteers could be induced to enforce Federal regulations if they were supplied with a Federal badge and enrolled under the direction of Federal authority.

The matter of live decoys was discussed. There was an apparent difference between the use of the live decoy on the seacoast or the Gulf coast where ducks rafted a long distance from the shore during the day, come in only at night for rest or food, and the use of live decoys in inland waters of more limited areas.

Baiting with grain was condemned by some, approved by others. The planting of wild celery and other duck food was discussed.

In the course of the hearing there was an appeal by a lady that sportsmen should be more sportsmanlike, an amusing and interesting address. The Norbeck-Andresen bill, the upper Mississippi wild-life, fish, and game refuge bill, and other related activities of sport which divert money from the National Treasury were considered.

These investigations and Senate hearings have been instructive and cause me to make the following suggestions, merely for discussion, change, and revision:

OPEN SEASON

1. Limit the open season to either 45 or 60 days, between October 1 and January 15; bag limit 15; spring shooting prohibited.

2. Time to be uniform for all States. The exact date for each State to be determined by the Biological Survey after consultation with and upon the advice of the State game officials of each State.

3. The period to be agreed upon to be divided into hours (between sunrise and sunset); the hours of shooting, each day, or rest days, to be determined by the Biological Survey after consultation with and upon the advice of the State game officials of each State.

FINANCE

4. (a) Issue adhesive stamps of a denomination to be determined later ($1 or $2) to be attached to each State license if the holder wants to hunt migratory birds; provide penalties for shooting migratory birds without possession of such stamped license.

(b) The waterfowl preservation stamps to be sold at all post offices, or one post office in each county, and the proceeds to be administered by the Biological Survey, the cost of the Post Office administration to be deducted from the special administration fund of the Biological Survey.

(c) Approximately $1,000,000 annually to be applied to the purchase of sanctuaries, rest places, and breeding grounds for migratory birds.

(d) Approximately $250,000 for Federal enforcement, including the use of volunteer agents.

(e) Approximately $250,000 for administration, including experimentation, extermination of predators, study of disease, record of kill, changes of flight, publication, and experimental game farm.

IN GENERAL

Enlarge cooperation with Canada, renew negotiations for treaty with Mexico, divide administration into regional groups of States, organize volunteer Federal game wardens.

SOME ADVANTAGES

The suggested plan places the cost burden where it belongs—upon the man who shoots migratory birds. It preserves State control, it permits State advice as to time and conditions, sale at post office easily accessible, convenient with collection at minimum cost.

Game departments should be supported and are supported exclusively by sportsmen. They pay the cost of game administration. The nonsportsman, who does not contribute, is sometimes severe in his criticism.

The best friend of wild life is the man or the woman who carries a gun or a fishing rod. The game hog is fast becoming a sportsman outlaw. The professional pothunter is universally condemned and is now being punished.

When we put the gun upon the shelf for a number of years or the rod in the closet, they may not be taken up again, and thus many good and practical friends of conservation may be permanently lost.

There are well-meaning men and women who sentimentally discuss at breakfast the brutality of the hunters and the cruelty of the fishermen and urge that their recreation and sport be prohibited by law. They have for their breakfast, bacon or ham, which means that a pig's throat was cut for their benefit, possibly the throats of two pigs, one for the bacon, another for the ham.

At luncheon they have a chicken whose head was wrung for their benefit, or a duck whose head was chopped off to meet their desire.

Their dinner required a real slaughter, plenty of bloodshed, and the use of knives, hammers, and saws, so that they might enjoy themselves. A lamb chop signified that a little lamb has been killed for them, or a mutton chop that a grown sheep has been slaughtered. Or maybe they have veal, for which a calf died, or beef, for which a mighty steer was struck down. Or perhaps they prefer fish; so for their benefit a fish is strangled in a net, or suffocated, or frozen in ice to please their palates as they sentimentally discuss the horrors of hunting and fishing. Or perhaps they start the meal with oysters, crabs, or shrimp which for their entertainment are thrown alive into boiling water or frozen in a refrigerator.

Having attended to their appetites which called for the slaughter of chickens, ducks, lambs, sheep, pigs, calves, cattle, oysters, and fish, these critics of the sportsman's cruelty perhaps have honey for which the hives of bees have been despoiled; and continuing their discussion of the awful slaughter of wild things, they stretch themselves upon a chair or couch covered with a hide which came from an animal killed for them; and drawing a shawl of wool over their shoulders for which a sheep was sheared; or using a lighter garment of silk for which a thousand silkworms died, they rest their eyes and delight their nostrils with a vase of flowers which took from plant life its crowning glory—its bloom. The plant itself may have died for their delight.

But if a boy shoots a rabbit, or a man kills a deer for sport and food, these misguided people call them brutal, and they declare the killing of ducks or game to be a reversal to barbarism, and the catching of fish upon a hook they brand as cruelty.

These advocates are thoughtless in their criticism. They are unfair. They have no objection to the slaughter of birds and animals and fishes that are domesticated, but seem to draw a distinction between those that have been tamed and those that are wild. There is just as much brutality in killing the one as there is in the other.

There is, however, something virile, something strong, that has been transmitted to us in the blood of the forefathers, and I do not believe the ultra-sentimentalist will be permitted to prevail. Hunting and fishing will always be the favorite recreation of red-blooded Americans.

AGRICULTURAL RELIEF LEGISLATION—ADDRESS BY SENATOR CAREY

Mr. HATFIELD. Mr. President, the junior Senator from Wyoming [Mr. CAREY] over a nation-wide radio hook-up delivered an address on Saturday, April 16, during the National Grange program, which I ask unanimous consent may be printed in the RECORD.

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

It is being charged constantly that the legislation enacted by the present Congress has been for the benefit of big business rather than for agriculture. Some go so far as to assert that nothing has been done for the farmer. In answer to such allegations, it might be well to consider not only the legislation which has been passed in the few months that the Seventy-second Congress has been in session but also other legislation which is now pending.

One of the first measures enacted at this session of Congress was a bill to increase the capital stock of the Federal farm-loan banks. It provided for an additional capital of $100,000,000 to be subscribed by the Treasury, together with an appropriation of $25,000,000 to enable these banks to grant extensions on loans. The Federal farm-loan banks are largely dependent upon the sale of bonds to the public for funds to loan to farmers. The price of these bonds had depreciated on the market so that it was not possible for the banks to obtain additional capital except by selling bonds at a discount, which in turn would increase the rate to the borrowers to a degree greater than was contemplated or permitted by law. This measure, which was promptly enacted, should not only help the market for farm-bank bonds but has provided additional money to be loaned and also made possible numerous extensions of loans where farmers were unable to meet their installments.

Senate bill No. 1, although it was not the first to be enacted into law, provided for the creation of the Reconstruction Finance Corporation. The act creating this corporation provided for an appropriation of $500,000,000 as initial capital, with a further provision that bonds to the amount of $1,500,000,000 could be issued, bringing the total capital of the corporation to $2,000,000,000. The act further provided that 10 per cent of the capital so subscribed should be loaned to farmers for feed for livestock and for crop production, including the purchase of fertilizer. Fearing that the Reconstruction Finance Corporation might not increase its capital to the full amount authorized by law, and in order to make certain that a sufficient amount would be provided for loans to farmers, a resolution was afterwards adopted by Congress which made available immediately $200,000,000 for loans to farmers.

The act creating the Reconstruction Finance Corporation provided that loans could be made to railroads, insurance companies, banks, building and loan companies, and agricultural-credit associations. The making of loans to banks and insurance companies should be of indirect benefit to agriculture. A number of insurance companies have made a practice of loaning on farm mortgages in many of the States, many of which loans are in arrears. By granting credit to the insurance companies, it will permit them to carry many of these agricultural loans which would otherwise have to be foreclosed.

As to the banks, there has been a steady withdrawal of deposits. I do not believe that this is due so much to hoarding as some people claim, but rather through the fact that the income of everyone has been reduced, and consequently many have had to withdraw their savings in order to pay living expenses or to carry on their business. Further, in many sections the low prices which both agricultural products and livestock have been bringing has seriously reduced the amount of deposits which the banks would normally receive. This shrinkage in deposits has compelled banks to endeavor to make all possible collections from their borrowers. With the reduction of deposits, both in order to maintain their cash reserves and to render such service as possible to their customers, banks have been obliged to resort to rediscounting paper in constantly increasing amounts. The class of paper which is rediscountable under the Federal reserve act is very limited, and the Reconstruction Finance Corporation furnishes an agency to rediscount paper which would not otherwise be eligible. On account of the great number of banks which are not members of the Federal reserve system, particularly in agricultural communities, these banks have made a practice of rediscounting with member banks, and in some instances the member banks had reached a point where they were unwilling to continue to handle paper for the smaller or nonmember banks. The Reconstruction Finance Corporation provides a means for the direct rediscounting of paper for banks that are not members of the Federal reserve system as well as the banks which are. This new line of rediscount facilities furnishes a source of credit designed not only to protect bank depositors but should make it possible for banks to carry their present loans and also to make additional loans.

While the law provides that loans should be made only on good security, the Reconstruction Finance Corporation is permitting higher loan values than either the Federal reserve or Federal intermediate-credit banks. In connection with the livestock industry, I feel that these loan values will be the means of saving many a livestock producer from bankruptcy.

The Glass-Steagall bill, which was recently enacted by Congress, opens another great reservoir for the banks which are members of the Federal reserve system in that it temporarily permits the rediscounting of paper previously ineligible, and establishes for them another means of protecting their cash reserves. It is to be regretted that since the passage of the act creating the Reconstruction Finance Corporation, as well as the Glass-Steagall bill, there has not been the loosening up of credits that was hoped for previous to the enactment of these laws. While it is possible that some banks should not increase their loans, we have in this country many bankers who are priding themselves on the huge cash reserves they are maintaining, which in some instances may be justified. However, while I admit that the first duty of any banker is to protect his depositors, I feel that the banker has a positive obligation to go as far as possible in assisting his community in times of distress. While Congress has provided ample credit facilities for the banks, neither Congress nor any other agency of the Government can compel banks to make use of these facilities.

The intermediate-credit banks were created for the benefit of agriculture, loans being made by them to agricultural-credit corporations on livestock and on agricultural commodities. Money for loans by these banks is provided through the sale of debentures, which has been most difficult recently except at a price which would compel a high rate of interest being charged to the borrower; in fact, for a time it appeared that the interest rate to the borrower would have to be increased to 9 per cent. Under ordinary conditions the commercial banks have supplied a market

for these debentures, but more recently these banks have hesitated to buy debentures for the reason that they were not rediscountable with the Federal reserve banks. A bill is now pending in Congress permitting these debentures to be rediscounted, which it is believed will reduce the interest rate to the borrower from 1 to 2 per cent.

Feeling that there has always been a lack of agricultural-credit corporations of sufficient size to take advantage of the facilities of the intermediate-credit banks and to make possible this source of credit to the farmer, Senator STEIWER, of Oregon, and I have introduced a bill providing for the establishment of 12 agricultural-credit corporations or banks. This bill provides for the establishment of one bank in each of the 12 Federal farm-bank districts, with at least one branch agency in each State. The capital of the proposed banks is to be not less than $3,000,000 each, with a 25 per cent surplus, which will make it possible to loan from four to five hundred million dollars on livestock and on agricultural products. While I realize that there will be opposition to this bill from some bankers, I can not help feeling that by furnishing credit facilities of this kind it will not only help agriculture, which is the primary purpose of the bill, but it will also be of benefit to the banks by furnishing additional capital in agricultural communities, especially in times like these.

While no legislation has been definitely decided upon, I have every reason to hope that before Congress adjourns some means will be found to remove from the American market a large part of the wheat and cotton which the Farm Board is now holding. It is generally agreed that unless these holdings can be taken off the American market they will continue to depress the prices of these commodities.

A bill was recently passed which relieved the settlers on reclamation projects from the payment of any construction charges which are due this year, and also allows a 50 per cent reduction of the charges for the coming two years.

Speaking of reclamation, I am well aware that an intensive campaign is being waged against reclamation, and I regret that much of it has been inspired by the head of one of the departments of the Federal Government. This official and his subordinates are constantly preaching to the farmers of the country that a further development of reclamation will add to the surplus of agricultural products and is a serious menace to the farmers of the Nation. But it should be borne in mind that if the Western States are to be developed, they must be permitted to make use of the waters of their streams, which waters are their most valuable asset. The crops produced by irrigation are as a rule not those which compete with agriculture in other sections of the country. In the Southwest the irrigation projects are supplying early vegetables in a market which would not otherwise be supplied. They are also producing a grade of cotton which is not competitive with the South.

On the northwestern projects the principal crops are sugar beets, alfalfa, and small grain. While we produce some cane sugar in the United States, most of our sugar is imported from Cuba and the West Indies; therefore it can not be charged with fairness that the production of beet sugar in the West is competing with the product of the American farmer.

As to grain and forage crops, these are used largely for feeding breeding herds, both cattle and sheep, during the winter months, which livestock in turn is marketed and sent to the feed lots of the East and Middle West, where the corn produced in those sections is converted into beef and mutton.

Representatives of this same department have stated on several occasions that the solution of the agricultural problem is the doing away of the so-called marginal farmer. Unfortunately I do not know just what constitutes the marginal farmer. He is certainly not the farmer of the West, where the land is productive and where it has not been exhausted by unwise farming methods. By what right can it be contended that the farm problem is to be solved by the destruction of farms and farmers. There is reason in preaching to the farmer the necessity of a diversity of crops and in prevailing upon him not to plant crops for which there is an overproduction but rather to produce those for which there is a demand. But I can not conceive how any farmer can increase his income by permitting his land to remain idle. There is never a moratorium on taxes and interest charges.

No one realizes better than I do that the measures which have been passed by Congress and those which are contemplated are not cure-alls for the ills of agriculture. The real trouble with agriculture is the price of agricultural products, and we will never solve the problem until we can devise ways so the farmers can receive a fair price for what they produce.

The reason that agriculture has never been on a parity with other industries since the World War is that we have devised no suitable way for handling the surplus. The attempt at stabilization by the Federal Farm Board has failed for the reason that the surpluses were greater than the board could handle. A constantly declining market has made stabilization impossible, and the results might have been different had it been attempted in prosperous times rather than when we were headed into a depression.

As to cooperative marketing there is no question but that it would be the solution of the farmer's difficulties in some lines of production, but there are other lines of agriculture to which it is not adapted. Further, cooperative marketing can not succeed unless the entire product of any commodity is controlled and sold through one cooperative. While it is possible that eventually the farmers of this country might be induced to pool their products, that time is so far in the future that it can not be considered as a solution of our present difficulties.

While every industry in the United States is suffering on account of the depression, agriculture is hit the hardest, and there is more reason than ever for hoping that some plan will be found which will put agriculture on a sound economic basis. I can say without fear of contradiction that there are few, if any, men in Congress who would not support legislation for the benefit of agriculture which they believed to be economically sound.

The present Congress has enacted legislation with the hope and thought that agriculture would be benefited. While this legislation will not solve the agricultural problem, there is no doubt in my mind, if these laws can be properly administered and that there is a proper cooperation in carrying out their purpose, that agriculture will receive its share of assistance with the other industries of the country.

DEPRECIATED FOREIGN CURRENCIES—LETTER BY MATTHEW WOLL

Mr. HATFIELD. Mr. President, on April 1 I discussed the present tariff law and the question of imports and exports, and I referred specifically to the effect of depreciated currencies upon our commerce and trade.

On February 1 the distinguished senior Senator from Pennsylvania [Mr. REED] submitted a resolution which had for its purpose requiring the Tariff Commission to investigate and report the effects of depreciated European currencies upon our commerce. This resolution was amended by the able senior Senator from Mississippi [Mr. HARRISON], so as to authorize a committee of the Senate, in addition to the authority given by the resolution to the Tariff Commission, to investigate this important question dealing with the individual welfare of the American people.

The greatest group which America possesses—the group, Mr. President, which reflects the welfare and prosperity of our land—labor—has become interested in this subject.

I send to the desk a letter written by the Hon. Matthew Woll upon the subject of depreciated currencies which is most interesting and impressive. I am quite sure it will be read with a great deal of interest by the public. To assure greater distribution of the letter, I ask that it be printed in the RECORD.

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

AMERICA'S WAGE EARNERS' PROTECTIVE CONFERENCE,
New York City, April 25, 1932.

Hon. HENRY D. HATFIELD,
United States Senate, Washington, D. C.

MY DEAR SENATOR: It is conservatively estimated that there are some 8,000,000 of America's industrial workers unable to secure any work. In addition there are upward of 2,000,000 additional who are working only part time.

We realize that we can not prevail upon employers to give these workers employment while conditions continue wherein employers know that they can not sell the product of American labor in competition in America with the products of foreign workers owing to price conditions, due to the depreciation of foreign currencies.

Further, we realize that employers will not produce articles which compete in the American market with the products of foreign workers when they know that similar or comparable articles can be purchased, the product of foreign workers, for less than the American costs of production.

We are not asking any change in tariff rates.

We contend that a national emergency exists; that the intent of Congress is being nullified through the importation of articles valued on the basis of the present depreciated foreign currencies; that the time for Congress to act is now.

We maintain that hundreds of thousands of additional American workers will be forced into idleness unless Congress sees fit to take prompt action.

We believe, and we respectfully request, that the Finance Committee or the Senate, incorporate in the pending revenue bill language which will make possible and mandatory the collection of customs duties by the Treasury Department as was intended by the Congress when the present tariff act became the law.

The depreciation of foreign currencies has made it possible for importers to secure the landing of the products of foreign workers in America at total landed costs far less than the American costs of production, something which was not intended by any Member of Congress when the present tariff act was enacted.

We believe that the Treasury Department should be directed to add to the declared import value the percentage of depreciation in foreign currencies prevailing and that customs duties should be collected on the basis of such value.

Action similar to that which we have suggested has already been taken by several foreign countries, notably Canada, France, Germany, and Spain.

Trusting that we may be favored with your support and that you may be able to prevail upon the Finance Committee, or the Senate, to comply with this request of labor and thus help American workers retain or secure additional employment.

Sincerely yours,

MATTHEW WOLL, *President.*

INVESTIGATION OF NEW YORK STOCK EXCHANGE

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent to have printed in the RECORD an able and instructive address made over the radio on the evening of April 22 by the distinguished senior Senator from South Dakota [Mr. NORBECK], chairman of the Banking and Currency Committee. This address deals with the investigation of selling of stocks on the New York Stock Exchange.

The Senator, as chairman of this committee, has rendered valuable service, as usual, and I believe this address merits the attention of the Members of Congress.

The manipulation of stock and bond deals on the exchange and the underwriting and sale by banks of seventy billions of new stocks and bonds to gullible investors from 1920 to 1930 marks an epoch of abuse of trust that ought to be investigated by the Department of Justice and the postal inspectors for violations of the criminal statutes. These institutions created by law, by these practices, threaten the life of the Government that created them by undermining the confidence of their victims in the Government.

There being no objection, the speech was ordered to be printed in the RECORD, and it is as follows:

It will take the American people a generation at least to pay the cost of the Great War—$20,000,000,000 and interest—but the loss to the American public in the shrinkage of stocks and bonds on the exchange is two, three, or four times as large. I believe the market was sent entirely too high by manipulation. The innocents were caught. I believe the bear raiders are now depressing the market to their own gain. The Senate of the United States has decided that the Committee on Banking and Currency shall investigate the stock market to determine the evil practices with a view to correcting same.

A generation ago only a few stocks were listed on the market. Property was owned by individuals, not by corporations. To-day the reverse is true. The average man or woman in the eastern section of the United States now owns very little property except as shares in some big corporation, or bonds on same, and these shares and bonds are being manipulated up and down to the great loss of those who actually own same. I believe that owners of shares should be protected by law, the same as the owners of a home, a farm, or a town lot; they are not so protected now. If your property is in the form of stocks or bonds, a manipulation of the market may make you poor in a day, even though you are not a speculator. If the market practices had been more fair and the investor had been protected, there would not have been such a severe depression; there would not have been so much unemployment. Now, don't cheer, for the Exchange is powerful and they don't intend that anybody shall interfere with their game.

Every day I see men from New York who know the market, who know the ins and outs, and the ups and downs. They know the methods used to rob the public. They are perfectly willing to talk about it, but insist their names must not be made known. They say the "system" will get them. They will be ostracized; their credit will be curtailed. They will be driven out of business. They will be made bankrupt, and some actually go as far as to express fear of their lives. They tell me the "system" has so many ramifications. It is even claimed the Chicago gangsters are interested in certain manipulations. It has a string on so many people that it has friends in every place, high or low. The number of manipulators is small. The lambs are many. In this game, the ninety-nine have no chance against the one—the wolf.

SENATE COMMITTEE DIVIDED

Even the Senate committee is divided. One Senator took the side of the bear raiders; he claims "thar ain't no sich animal"—as the man said when he first say a giraffe at the circus. Another Senator is quoted in the newspapers as saying he does not favor regulating the stock exchange by law. He does not think Congress should interfere with this institution or its practices. He shares the views of the exchange—that all the regulating they need is to regulate themselves.

I am happy to say, however, that I believe a majority of the committee are for a real investigation, both of the bulls and bears—no matter who gets hurt by it, for they believe in the end it will help to restore a better condition throughout the country. I believe a majority of the Senators consider it just as wrong to misrepresent the value of a stock or bond as to sell rotten eggs for fresh eggs.

This depression, resulting largely from manipulations, has made millions of men idle. Families are destitute. Suicides are common. Widows and orphans are the harvest. Should we stand idly by? It is admitted that more than 20,000,000 people—most of them heads of families—lost their savings when the boom bursted in 1929. Just think of it—20,000,000 families in the United States were affected by these losses—that is, only one-third of the population of this country escaped the direct effect, and they suffered indirectly.

In the spring of 1928, a year and a half before the boom bursted in Wall Street, the Senate Banking Committee recommended remedial measures, but it was impossible to get the approval of Congress. Even at that time stocks sold at fictitious values, but the public enjoyed the situation. Stocks were going up from day to day, they said. Why disturb such prosperity as that? Technical lawyers argued then, as now, that Congress had no control over the stock exchanges.

We got no support. All we could do was to make a report predicting disaster, and nobody wanted to read that. Bad news was not wanted. Our committee implored members of the Federal Reserve Board to prevent the use of that banking system for speculation. Such a wild orgy might have been prevented, but the board sat with their hands folded and drew their salaries.

The American people had forgotten that what goes up must come down. Stocks selling at $100 a share were paying 1 or 2 per cent dividends and still going up. Pools were formed on the Street for the purpose of boosting certain stocks. Supposedly reputable banking houses recommended stocks to the public; brokers sent out market letters emphasizing and overemphasizing these recommendations. The mail was filled with carloads of literature telling that this or that stock was going higher.

When the market had been driven sky-high by the bull element, operating through pools, and it was found it could not be easily sent higher, they promptly withdrew their support and down went the stocks again and again. The public did not know why; they had no way of knowing.

The operators on the market have information that the public does not have. They take advantage of that information, both in a bull market and a bear market. They fleece the public when the market goes up and they fleece the public when the market goes down.

One of the large bankers of Chicago truly said that this was the worst crap game in the country.

A return to prosperity is built upon the return of confidence. The confidence is lacking. The Street sold it out for cash. The lambs have been sheared and it takes time to grow more wool.

Ask me again what is the major cause of this business depression in the eastern section, and I repeat it is the manipulation of the stock market. It is not the only cause, but it is the main one.

THE FARM AND THE FACTORY

The West had a longer depression, due to the handicap placed against agriculture, being interference with the law of supply and demand. When the farmer's purchasing power was reduced, he bought less. The factory stopped and the laboring man found himself out of a job, though not knowing just how it happened.

You ask me, When will this depression end? It can only end when the average family has an average earning power, because then they will have a normal spending power. They will buy the products of the farmer and the products of the factory. Then there will be profits in business. Then the wage earner will save and he will put his money in the banks and strengthen the banks. The business man will have a profit and good times will again return—but when? Not until confidence is restored. This confidence can not be restored until the American people can be assured of a fair dealing in every American market—even the stock and bond market—yes; even on the New York Exchange.

It is not only the stocks that have been manipulated, the bond market has also been manipulated; not only the bonds of our factories, but the bonds of our railroads and our other public utilities. The bonds of our Government have felt the same pressure, and many have gone below par. The bonds of foreign Governments have suffered the most. The pools that sold them did not support them; they just loaded them on the public and on the banks for the profit there was in it for them. Bonds that have been sold at $100 each have since come down to less than $10. Profits were made in selling them to the public; profits are made in gathering them back in.

RECOMMENDED BY BANKS

A year ago we had one of the largest bankers in the country before the Committee on Banking and Currency. He admitted in his testimony that he had recommended the purchase of Anaconda Copper mining stock to the general public at $140 per share. It is now down to $5 or $10 per share, and this man wonders now why there isn't confidence—confidence in him, confidence in his bank, confidence in Wall Street, confidence in New York.

Can the public be blamed for the lack of confidence in our markets, lack of confidence in our institutions, lack of confidence in our Government, and lack of confidence in themselves?

A method must be found to prevent a repetition of this. Congress does not want to interfere with private business, but Congress may have to do that very thing.

The New York market boasts of its reform rules, and there are some that can fairly be called so, but often they are traceable to laws enacted by the State of New York to make certain practices criminal. The stock-market-reform rules come late, and are observed poorly after they have been adopted.

I maintain, however, that the New York Stock Exchange does not and can not reflect the true values of the securities which are traded thereon. As long as the natural and normal laws of supply and demand are denied and while a select group of powerful individuals can influence values to their own advantage, an honest and equitable exchange for the purchase and sale of securities can not exist.

For a generation at least a big cloud has hung over the land—the threat of centralized wealth. The bulk of the national income falls in very few hands. Their income is so enormous that it gains additional velocity every year, but no force has been so potent in the concentration of wealth as the extreme fluctuations

in the stock and bond market—the boom and the bursting of the boom.

It is not only the stock market and the bond market, but similar bad practices exist in the commodity market. Wheat and cotton often go up or down without much regard to supply or demand. They fluctuate according to the will of the powerful operators. Traders prefer this kind of a market; they call it an active market, but it is sometimes so active that the farmer goes without pay for his labor and the workingman pays "what the traffic will bear." The middleman gets the bulk of it. But the present investigation is of the stock exchange. If better market conditions can be brought about, it will point the way to certain changes in the farmer's market also.

I feel the need of drastic revision of the stock-exchange practices. The buying public are entitled to full information; they do not have it now.

RIGGING THE MARKET

A pool is formed and a stock issue is taken on. Various methods are used in boosting such stock. It is misrepresented in many ways. You are advised that it has large earnings. You read the recommendation of well-known investment firms. You are even told by your bankers that it is good stock to buy. You receive market letters from New York brokers recommending it highly. It rises steadily and the manipulators profit greatly, but when they have sold it to the public, they have no more interest in it. Their support is withdrawn, the publicity ceases, the buying end of the slump starts.

BORROWING STOCKS

It is a common practice for the buyer to leave his stock with the broker. The broker is called upon by a bear raider who wants to break the market. For a consideration he lends your stock to the raider, who sells short; that is, he sells what he has not got, but he has borrowed some of it. He has options on more of it. He is fairly well protected. He starts out to destroy public confidence and to break its value. He succeeds and he profits immensely by that.

LACK OF INFORMATION

You will recall the recent Swedish Match Co. debacle. The firm name was Kreuger & Toll. It was after Kreuger committed suicide that the irregularities of the firm were discovered, among which were forged bonds on which they had secured credit.

Is it conceivable that all the selling that took place just before Kreuger's suicide was done by those who knew a great deal more about the situation than the buyers did?

Did they know what was coming?

Did they take advantage of the unsuspecting public and sell them that which they knew to be worthless?

The bear raiders are especially active now. They depress a weak market and ruin the value of other people's property. One witness before our committee admitted frankly that it was "pathetic" the way the public put their money into the stock market—and pathetic is the right word.

RADIO SPEECH OF HON. JOUETT SHOUSE

Mr. TYDINGS. Mr. President, I ask leave to have published in the RECORD a radio speech of Hon. Jouett Shouse, chairman of the Democratic national executive committee, delivered over a nation-wide hook-up of the National Broadcasting Co. on Saturday evening, March 26, 1932.

There being no objection, the speech was ordered to be printed in the RECORD, and it is as follows:

In to-day's papers President Hoover has issued to the American people a plea that Congress shall balance the Budget. With his argument in this regard all citizens, regardless of party, must be in hearty accord. It is not only desirable but patently necessary that the executive branch of the Government exert its full influence to see that the present chaotic condition of the fiscal affairs of the Treasury shall be righted and provision made whereby the credit of the Government shall be fully maintained, safeguarded, and strengthened in every proper way.

It must be a matter of regret to Mr. Hoover's friends, as it is a matter of deep moment to the American people, that he should have delayed so long in voicing his concern and in uttering his plea. If his statement had come two weeks ago, before action had been taken by the House of Representatives upon the bill introduced as a nonpartisan measure by the Ways and Means Committee, it would have helped those who were trying to fight the battle for a balanced Budget. Now it is issued after the House has wrecked the committee bill and after the legislative situation has been thrown into a state of such confusion and even chaos that the outcome is difficult to predict.

The appeal of the President calls for bipartisan support. Such support is obviously necessary to the passage of any revenue bill. Such support has been accorded important legislation attempting to deal with all phases of the threatening situation that confronts the country. The President's statement to-day is in marked contrast to the expression given out just after the House had defeated the sales-tax provision which was the most important section of the revenue act presented for consideration.

Following a call at the White House Thursday afternoon, Silas Strawn, president of the United States Chamber of Commerce, told newspaper men of the President's comment on the action of the House that day. According to the Associated Press and other responsible news-gathering agencies, "Mr. Strawn said President Hoover was 'quite disappointed' at the defeat of the sales tax in the House. Strawn said Mr. Hoover had pointed out that many of the Republicans in the House had 'gone along' on the sales-tax plan despite its being a Democratic measure."

Regardless of the fact that the United States Chamber of Commerce is presumed to be a nonpolitical and nonpartisan body, it has been frequently accused within recent years of acting as the mouthpiece for Republican administrations. In the present instance, as in many other instances, Mr. Hoover chose to speak through the head of that body.

During the 48 hours that have ensued since the Strawn statement was issued no question has been raised as to its authenticity. There has been no White House denial in whole or in part. Therefore, that statement must be considered authoritative. It demands some clarification of the situation which now confronts the American people.

We have heard much these past several weeks from members of Mr. Hoover's Cabinet and from other Republican sources as to the effectiveness and the value of the so-called administration reconstruction program. We have witnessed repeated efforts by the administration and by Republican leaders to convey the impression that every measure passed by the present Congress to deal with the critical situation is an administration measure.

The bill which appropriated $125,000,000 to reestablish the impaired capital of Federal land banks, the bill creating the Reconstruction Finance Corporation, the Glass-Steagall bill which made eligible to rediscount in the Federal reserve banks a vast amount of additional paper held by member banks, thus freeing bank assets to an extent that will provide the large additional currency needed—all of these have been heralded far and wide as administration bills. Each of them was handled by the appropriate committee of the House of Representatives in which the Democratic Party holds a majority. Committee indorsement of none of them could have been had save for the action of the Democrats of those committees. Passage through the House of Representatives and through the Senate alike could and would have been prevented except for Democratic votes. And yet all of them have been blithely listed as administration measures for which, according to Republican leaders and administration spokesmen, all credit must go to President Hoover.

But now we are confronted with the inescapable task of meeting a huge deficit created by this same Republican administration. We are faced with the necessity of passing a revenue bill which will provide the money with which to make up this Republican deficit and to balance the Budget in order to save the credit of the Government, and the measure designed for that purpose, unpopular as any tax bill is bound to be, is designated by President Hoover, speaking through the mouth of Silas Strawn, as a "Democratic measure."

Why the necessity for this legislation? First, the Hoover deficit; second, the failure of the Hoover administration when it had unquestioned control of both Houses of Congress to make any provision by way of additional revenues to cope with the situation which was already apparent.

There is no statutory provision compelling the Government to spend all the money appropriated. There is nothing in the Constitution forbidding economy until Congress shall have enacted an order to that effect. Actually every dollar now being cut so painfully from the Budget presented by the President could have been saved had the President directed his department chiefs so to do.

For the fiscal year ending June 30, 1931, there was a deficit of approximately $1,000,000,000. For the current fiscal year the deficit will probably exceed two and a half billions, an unheard of sum in peace time in the history of any nation. We are now struggling to meet a threatened deficit of a billion and a half or more for the fiscal year ending June 30, 1933. The Seventy-first Congress with a large Republican majority was in session from December 1, 1930, until March 4, 1931. It passed the appropriation bills which created the present deficit. It did not make even the slightest attempt to take steps necessary to balance the Budget. That was left for the incoming Congress in which the Democratic Party had a majority in the House and a practical majority in the Senate.

During the spring, the summer, and the early autumn of 1931 Mr. Hoover was besought on every hand to call the Seventy-second Congress into extraordinary session. Daily the deficit was mounting. Daily the revenues of the Government were falling off. Daily the need of legislation to care for the situation was evident. But Mr. Hoover was adamant to the pleas and the demands that he should assemble Congress to deal with the crisis. The agencies of his administration went on spending the money which the Congress of his party had appropriated. Finally when under the provisions of the Constitution the new Congress convened last December it was faced with a fiscal situation staggering in its realities and even more staggering in its potentialities.

The Democrats organized the House as they had been instructed to do by the electors of the country. A Ways and Means Committee with a Democratic majority, without partizanship and imbued solely with the desire to meet as best it could the crisis in governmental affairs, set out to write a tax bill. The minority party was not excluded, as has been Republican custom, from consideration of the bill in its initial stages. The recommendations made by Mr. Hoover's Treasury Department were reviewed. The figures of that department, as in almost every instance where it has presented estimates to Congress, proved wholly fallacious. It was found necessary to enter upon new fields of taxation. The

bill reported had the approval of both Republican and Democratic members of the committee. The national necessity was confronted without flinching. Now, unfortunately, Mr. Hoover, through his chosen spokesman, has seen fit to designate this tax bill required to meet the situation as a "Democratic measure," although the other reconstruction enactments which preceded it have been loudly acclaimed as Republican achievements. That is the spirit of nonpartisanship which the administration shows in a crisis for which it must and will be held responsible.

Speaking for myself, I regret deeply that the House of Representatives refused to agree to the sales-tax proposal of the bill. There is no form of taxation to the theory of which I am so much opposed as the sales tax. But the essential thing facing our people, of whatever class and wherever situate, is that the Budget must be balanced and the credit of the Government preserved. We must not permit a condition that will compel the Treasury to pay a high rate of interest on the extensive financing to be completed before the 1st of July. If we should, every outstanding bond of whatever class—industrial, State, county, or municipal—will suffer a terrific slump, and the effect of such a contingency upon savings banks and insurance companies is too obvious to require comment.

I voiced approval of the sales-tax section of the revenue bill only as a matter of dire necessity. I have been unable to see where the required revenues could be secured from other sources. Certainly the recommendations made by the Treasury Department would not adequately meet the deficit. Even the present bill as originally presented could hope to do this only if Congress cuts governmental expenses to the bone. And that undoubtedly is just as necessary as any other part of the program. But a revenue bill must be written. It must provide at least a billion dollars additional to the present revenues of the Government.

There is serious doubt whether the increases made by the House in income and inheritance taxes above those recommended by the Ways and Means Committee will yield anything like the sums which their proponents have suggested. Income taxes can not be levied unless there is income on which to pay, and with dividends suspended, with industry stagnant, with factories closed, with railroads on the verge of bankruptcy, with unemployment so widespread that 8,000,000 men or more are out of work, the sources of income are dried up. Furthermore, it may be easily possible that those still fortunate enough to enjoy large incomes will conclude that their investments must be transferred in major part to tax-exempt securities in order to avoid a rate of tax almost confiscatory in its nature.

I have deep sympathy with Members of Congress and others who feel bitterly upon the subject of a sales tax. Mistaken though I consider them in opposing this provision from which there seems to be no escape at the present time, yet I can understand their desire to explore thoroughly every other field of taxation in order to ascertain whether the required revenue can not be provided by some other method. Moreover, I have faith to believe that if convinced that the need can not be supplied from other sources, they may be willing to return to the plan of the sales tax as a last resort. A revenue bill must and will be written. The Hoover deficit must be met. The Budget must be balanced. The present session of Congress must face the situation. It must make the necessary provisions.

The country may censure some Democrats for not following Democratic leaders in such a crisis, but the country will not forget that Mr. Hoover's administration created the present deficit, that Mr. Hoover's administration and the Congress of his party when in power were unwilling or unable to attempt to cope with the situation, and that now Mr. Hoover, when Democrats are trying to do what his own administration should have done long ago, has sought, at a most threatening juncture in the fiscal affairs of the Government, to inject partisan bias into the public consideration of a measure which has been treated by Democratic congressional leaders in a spirit of broad-minded, patriotic service.

An adequate tax bill is more necessary to the preservation of the credit of the Government, more basic to the return of prosperity, than any of the so-called reconstruction legislation which has been passed. The gravity of the crisis can not be exaggerated. The seriousness of the situation can not be too fully emphasized. The consideration of a common country transcends any other factor. In that knowledge Members of Congress must agree to take the steps required, however drastic, however unpopular. The people as a whole must be willing to make any sacrifice, however severe, to sustain the credit of our Government. Partisanship must be forgotten. The deficit must be met. The Budget must be balanced.

PROPOSED TARIFF ON COPPER

Mr. HAYDEN. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement by the junior Senator from Nevada [Mr. ODDIE] with respect to a tariff on copper.

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

STATEMENT BY HON. TASKER L. ODDIE, OF NEVADA, BEFORE THE SENATE COMMITTEE ON FINANCE IN SUPPORT OF A TAX ON COPPER IMPORTS, APRIL 19, 1932

Until recent years there has been an exportable surplus of copper produced in the United States, and the argument has been advanced that protection would result in little or no benefit to the industry. The marketing conditions in the copper industry, however, have undergone serious changes, with the price of copper the lowest in history, and much, if not all, of the copper production of this country is resulting in operating losses. These losses have increased and will continue to increase as the volume of production is lessened, and the copper-mining industry under these adverse conditions can not longer be expected to sustain production, even on the present reduced scale.

With the low cost of copper production in Africa and in South America and the low cost and protected copper production of Canada the American producers can no longer compete. Foreign-produced copper to-day is monopolizing to a large extent the domestic market at the expense of American copper producers.

For instance, Canada enjoys the benefit of the American market, especially as the costs of copper production are borne largely by the other metals recovered from copper ores. Furthermore, with a 10 per cent depreciation in Canadian exchange, Canada is in a still stronger position to take advantage of the American market. Depreciation in currency in other countries is and will continue to be a major factor in enabling foreign copper producers to continue to monopolize the American market, to the detriment of the American industry.

The copper industry in the United States is suffering not alone from the low price of copper. It should be remembered that nearly 35 per cent of all the silver produced in this country is derived from copper ores, and the fact that the price of silver has also been the lowest in history has contributed in no small degree to the reduced revenues of the copper-mining industry.

From a purely national standpoint the copper industry occupies a prominent economic position, and copper-ore resources are among this country's principal assets. To permit this industry to be destroyed and copper-ore resources to be wasted or lost entirely would constitute a national liability. To assist the copper industry over this crisis will not only conserve the Nation's copper-ore resources and the large investments which have been made in mines and plants but also will be beneficial in increasing the possibilities of employment.

The nonferrous metals, lead and zinc, are afforded protection in the Hawley-Smoot Tariff Act of 1930, but copper stands alone on the free list. I come before your committee to support the amendment to H. R. 10236, which provides for a tax on copper imports of 5 cents per pound. Under the present conditions of low-cost production in foreign countries and depreciating foreign currencies, I do not believe that a 5-cent tax will result in prohibiting imports of foreign copper. A complete embargo would be necessary to afford the fullest protection to the domestic copper industry.

However, a 5-cent tax should afford producers of copper in the United States an opportunity to compete for at least 50 per cent of the domestic market requirements. On this basis, the amendment which has been introduced should properly be construed half protection and half revenue; and estimated on the basis of the imports of 1931, the revenue on 50 per cent of this amount would yield approximately $15,000,000.

This amount of revenue should be welcomed by those who are seeking ways and means to increase the income of the United States and to balance the Budget.

Unless this amount of protection is afforded to the American copper-mining industry, operations will still farther be reduced, adding more thousands to the present army of the unemployed. Copper-ore resources of the Nation will also be greatly diminished and the American consumers of copper will be largely at the mercy of foreign producers, who after monopolizing the American market will be in a position to dictate the price. I therefore urge upon the committee the importance of giving this matter most careful consideration, with a view of including the 5-cent copper tax proposal in the bill to be reported.

THE CALENDAR

The VICE PRESIDENT (at 12 o'clock and 12 minutes p. m.). Morning business is closed. The calendar under Rule VIII is in order.

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 the first order of business.

Mr. JONES. Let the bill go 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.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

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

Mr. ROBINSON of Arkansas. Over.

The VICE PRESIDENT. The bill will be passed over.

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

Mr. COPELAND. Let the bill go over.

The VICE PRESIDENT. The bill will be 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. BRATTON. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1856) to provide for the relief of farmers in any State by the making of loans to drainage districts, levee districts, levee and drainage districts, irrigation, and/or similar districts other than Federal reclamation projects, or to counties, boards of supervisors, and/or other political subdivisions and legal entities, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Over.

The VICE PRESIDENT. The bill will be passed over.

CHANGE OF NAME OF PORTO RICO TO PUERTO RICO

The joint resolution (S. J. Res. 36) to change the name of the island of Porto Rico to Puerto Rico was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Whereas in accordance with all historical data relative to the discovery and colonization of the island known as "Porto Rico," the original name given thereto by its discoverer, and consecrated in the royal orders of the colonizing nation, was Isla de San Juan; and

Whereas the first city founded on Porto Rican soil, and denominated "Villa de Caparra," was given the name of "Ciudad de Puertorrico";

Whereas subsequently, and by virtue of the transfer of the old Ciudad de Puertorrico to the site now occupied by the capital city, the aforesaid names of "San Juan" and "Puertorrico" became the exclusive patrimony of such city and island, respectively; and

Whereas the history and traditions of the people have since then sustained and consecrated the name of "Puerto Rico," given to such island, as its sole name; and

Whereas immediately following the change of sovereignty which took place in the island, the Congress, without justifying reasons, officially give the island the name of "Porto Rico"; and

Whereas the aforesaid name of "Porto Rico" is an impure idiomatic compound partly formed of the word "porto," which, although of Latin origin, has not yet been adopted into the language of the island, but is here used illegitimately, as a substitute for the word "puerto," genuinely Spanish, although no license, reasons of diction, or advantages of euphony exist to warrant such substitution; and

Whereas there are no reasons either in the history, the language, or the traditions of the people of the island which support the use of the term "porto" as a part of the name of the island: Therefore be it

Resolved, etc., That from and after the passage of this resolution the island designated "Porto Rico" in the act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, as amended, shall be known and designated as "Puerto Rico." All laws, regulations, and public documents and records of the United States in which such island is designated or referred to under the name of "Porto Rico" shall be held to refer to such island under and by the name of "Puerto Rico."

The preamble was agreed to.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 2375) for the relief of Roscoe Meadows was announced as next in order.

Mr. REED. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2914) to authorize appropriations to pay in part the liability of the United States to the Indian pueblos herein named, under the terms of the act of June 7, 1924, and for other purposes, was announced as next in order.

Mr. McGILL. Over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 106) to print the pamphlets entitled "Draft of Mooney-Billings Report" and "Appendix Containing Official Documents" was announced as next in order.

Mr. JONES. Mr. President, there is a minority report on that resolution and, as its author is not present, I ask that it go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 2494) to amend section 4 of the legislative, executive, and judiciary appropriation act, passed and approved March 4, 1925, relating to the compensation of Members of and Delegates to Congress, was announced as next in order.

Mr. JOHNSON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2495) to repeal section 17 of the act passed and approved July 28, 1866, relating to the mileage of Members of Congress, was announced as next in order.

Mr. JOHNSON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3051) to reinstate Lawrence L. Myatt and Miller S. Burgin as midshipmen in the United States Naval Academy was announced as next in order.

Mr. REED. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 276) for the construction and equipment of a hospital on Crow Indian Reservation was announced as next in order.

Mr. REED. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2987) providing for the construction and equipment of a hospital upon the Blackfeet Indian Reservation in the State of Montana was announced as next in order.

Mr. REED. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 51) to authorize the building up of the United States Navy to the strength permitted by the Washington and London naval treaties was announced as next in order.

Mr. McKELLAR. Let that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1835) granting disability allowance to Harvey Wilson was announced as next in order.

Mr. REED. Let that bill be passed over. I make that request with the consent of the author of the bill.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3323) to provide funds for cooperation with the school district at Nespelem, Wash., in the construction of a public-school building to be available to Indian children of the Colville Indian Reservation was announced as next in order.

Mr. REED. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1836) for the relief of William D. Barbee was announced as next in order.

Mr. REED. Let that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1879) granting compensation to Willard Henry Amlaw was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

Mr. REED. I also ask that Orders of Business 358, 359, and 360 may be passed over.

The VICE PRESIDENT. Under objection, those bills will be passed over.

The bills referred to are as follows:

The bill (S. 1881) authorizing the payment of war-risk insurance to Laura E. De Armoun;

The bill (S. 1884) granting disability allowance to Dan V. Smith; and

The bill (S. 1886) granting an increase of compensation to Addie Weeks.

The bill (S. 3696) 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, was announced as next in order.

Mr. FESS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3377) to enable the people of the Philippine Islands to adopt a constitution and form a government for the Philippine Islands, to provide for the independence of

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

Mr. VANDENBERG. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9642) to authorize supplemental appropriations for emergency highway construction with a view to increasing employment, was announced as next in order.

Mr. REED. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2190) to amend section 300 of the World War veterans' act, 1924, as amended, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 15) to provide for the national defense by the creation of a corporation for the operation of Government properties at and near Muscle Shoals, in the State of Alabama, to authorize the letting of the Muscle Shoals properties under certain conditions, and for other purposes, was announced as next in order.

Mr. FESS. I ask that that joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

PROMOTION OF HEALTH OF RURAL POPULATION

The bill (S. 572) to provide that the United States shall cooperate with the States in promoting the general health of the rural population of the United States and the welfare and hygiene of mothers and children, was announced as next in order.

Mr. BINGHAM and Mr. MOSES asked that the bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

Mr. JONES. I do not know whether there has been a unanimous-consent agreement entered or not with reference to the consideration of bills on the calendar.

The VICE PRESIDENT. There was no unanimous-consent order made, and bills are going over on objection.

Mr. JONES. We have reached this order on the calendar, and it has been objected to. When there is again a call of the calendar, on Monday next or earlier, I give notice that I shall then move, notwithstanding the objection, to take up the bill the title of which has just been stated. I shall not, however, do so this morning.

The VICE PRESIDENT. The bill will go over on objection.

BENEFITS OF HOSPITALIZATION AND PRIVILEGES OF SOLDIERS' HOMES

The Senate proceeded to consider the bill (H. R. 4724) to confer to certain persons who served in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition the benefits of hospitalization and the privileges of the soldiers' bonus, which was read, as follows:

Be it enacted, etc., That all persons who served in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition on vessels owned by the United States and engaged in the transportation of troops, supplies, ammunition, or materials of war, and who were discharged for disability incurred in such governmental service in line of duty, shall—

(1) Be entitled to the benefits provided for by paragraph 10 of section 202 of the World War veterans' act, 1924, as amended; and

(2) For the purpose of receiving the benefits of the Soldiers' Home, the National Home for Disabled Volunteer Soldiers, and the Naval Home, be held to have been honorably discharged from the military or naval forces of the United States.

Mr. BINGHAM. Mr. President, I should like to ask the Senator from Pennsylvania to whom the provisions of this bill apply.

Mr. REED. The bill applies to persons employed by the Quartermaster's Department on transports or supply ships in the Spanish-American War or the Philippine campaign or the China expedition and would give them the privilege of hospitalization under the World War veterans' act and the right to admittance to soldiers' homes.

Mr. BINGHAM. Was the passage of the bill recommended by the Committee on Military Affairs?

Mr. REED. No; the bill was not referred to the Committee on Military Affairs. It was for some reason referred to the Committee on Pensions. This is a bill similar to one which passed Congress at the last session and was vetoed by the President, as I recall. It does not provide for any pensions whatsoever.

Mr. BINGHAM. Why was the bill referred to the Committee on Pensions?

Mr. REED. I presume because it was so ordered. I asked to have the bill referred to the Committee on Military Affairs when it first came on the calendar, but the Senator from California [Mr. JOHNSON], who has the measure at heart, did not seem to want the bill to be referred to that committee. I imagine the bill will be vetoed if it shall pass.

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

PLAYA DE FLOR LAND & IMPROVEMENT CO.

The bill (S. 3477) for the relief of the Playa de Flor Land & Improvement Co., was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted etc. That jurisdiction is hereby conferred upon the District Court of the Canal Zone to hear and determine, without the intervention of a jury, but subject to the provisions for appeal as in other cases provided by the Panama Canal act, as amended, the claim of the Playa de Flor Land & Improvement Co. against the United States on account of property taken by the United States in the Canal Zone.

ACTS OF INTERFERENCE WITH FOREIGN RELATIONS

The bill (S. 1058) repealing various provisions of the act of June 15, 1917, entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes" (40 Stat. L. 217), was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

Mr. BINGHAM subsequently said: Mr. President, earlier in the day there was passed over Senate bill 1058. I ask unanimous consent that there may be inserted in the RECORD at that point a letter received by me from Mr. Alexander Lincoln, president of the Sentinels of the Republic, and also a petition to the United States Senate from the board of directors of the Woman Patriot Corporation in connection with that bill.

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

The matter referred to is as follows:

SENTINELS OF THE REPUBLIC,
Washington, D. C., April 21, 1932.

Senator HIRAM BINGHAM,
Senate Office Building, Washington, D. C.

DEAR SENATOR BINGHAM: Senate bill No. 1058, introduced by Senator WALSH of Montana, has been favorably reported by the Committee on the Judiciary without hearings.

The text conceals the far-reaching subversive provisions of the bill.

The Sentinels of the Republic ask that the bill be recommitted in order that its opponents be heard and that those officials responsible for the enforcement of the laws affected may be questioned as to the consequences should this bill be enacted.

Sincerely yours,

ALEXANDER LINCOLN, *President.*

A PETITION TO THE UNITED STATES SENATE TO RECOMMIT S. 1058 FOR PUBLIC HEARINGS

To the Honorable Members of the United States Senate.

GENTLEMEN: The United States Senate is hereby respectfully petitioned by the board of directors of the Woman Patriot Corporation:

1. That S. 1058, by Senator WALSH of Montana, a bill to repeal three sections of the United States Criminal Code (secs. 343, 344, and 345, title 18, U. S. C.) and one section of the National Defense Code (sec. 33, title 50, U. S. C.) and to amend the conspiracy section of the National Defense Code (sec. 34, U. S. C.), be recommitted for public hearings.

BILL MISLEADING—HEARINGS REFUSED—REPORT WORTHLESS

The text of S. 1058 in its misleading brevity deliberately conceals the vast scope of its subversive provisions.

Hearings on this bill were formally requested by opponents, December 16, 1931. But the bill has been reported out without

hearings, with a report that gives the text of only one section out of the four it proposes to repeal—the one applicable "when the United States is at war"—whereas the other three sections it repeals "by the numbers" and without the text, are applicable in times of peace, part of the permanent Criminal Code, and are now available to punish violations of no less than 68 different laws of the United States, including treason, sedition, inciting insurrection in insular territories, privateering on the high seas, destruction or injury of vessels, interferences with judicial processes, foreign relations, and conspiracies against national defense.

This necessary effect of the bill is not mentioned in the report. And the refusal of hearings further proves the intention to hide the purposes of the bill. But the report contains a long, ex parte, and anonymous memorandum by advocates of the bill, which also refrains from giving the text of the three sections of the Criminal Code the bill repeals.

The three sections of the Criminal Code the text of which is not furnished the Senate in the report prohibit the used of the United States mails to violate 68 Federal laws, 36 sections of the Criminal Code, 16 sections of the Foreign Relations Code, and 16 sections of the National Defense Code, namely:

Criminal Code: Sections 25, 27, 31 to 38, 238, 381, 502, 611 to 633, title 18, United States Code.

Foreign relations: Sections 213, 221 to 223, 231 to 235, 238 to 245, title 22.

National defense: Sections 31 to 42 and 191 to 194, title 50, United States Code.

Of the 68 laws affected, 51 either carry no penalty, as administrative provisions, or a lesser penalty than the three sections of the Criminal Code which punish the use of the mails for their violation by fine of $5,000 or five years' imprisonment, or both. The text of these three sections is set forth hereafter (Exhibit 1). A list of the 68 sections of the code affected by S. 1058 is also set forth hereafter (Exhibit 2).

2. That in view of the fact that the 68 sections of law automatically affected by repeal of sections 343, 344, and 345 of the Criminal Code are of concern to the War and Navy Departments, the State Department, the Department of Justice, the Department of Commerce, and the Post Office Department, that the following officials may be called upon to testify as to how S. 1058 would affect the enforcement of the 68 sections of law relating to matters of national defense, foreign relations, judicial processes, shipping laws, etc., for enforcement of which those departments are severally responsible:

The Judge Advocate General of the War Department.

The Judge Advocate General of the Navy Department.

The Director of the Bureau of Investigation, Department of Justice.

The Solicitor of the State Department.

The Solicitor of the Department of Commerce.

The Solicitor of the Post Office Department.

3. That loyal citizens and organizations outside of the Government departments may also have an opportunity to be heard in opposition to this bill of 26 lines to cripple the enforcement of 68 laws, designated only "by the numbers" with one exception, in the report.

FALLACY OF "WAR MEASURE" AND "CENSORSHIP" CLAIMS

This bill S. 1058, although it affects 68 of the permanent laws of the United States included in the code under the act approved June 30, 1926, by repealing one "war law" and three laws prohibiting at all times the use of the mails for treason, seditious conspiracy, privateering plots, and many other crimes, is advocated merely as "repealing certain provisions of the espionage act" and as abolishing what the report calls "to all intents and purposes a censorship law"—without giving the text!

That is, matter in violation of 68 sections of the United States Code now being unmailable under the three sections of the Criminal Code that S. 1058 proposes to repeal, Congress is asked to make all this criminal matter hereafter mailable under pretense that otherwise there is a "censorship" by the Post Office.

There is, in fact, no more "censorship" in this case than in laws prohibiting use of the mails to sell lottery tickets, to transmit poisons, explosives, dangerous liquids, chemicals, and articles for immoral use.

These laws are all mandatory. There is no question of discretion whatever on the part of the Post Office Department. The matter is declared unmailable under severe penalty. It is simply a question of whether the law shall be enforced or nullified.

One might as well call other mandatory criminal laws a "police censorship" or the customs laws (prohibiting the entry of many articles) a "censorship" by customs officers or say that every prosecuting attorney exercises "censorship" in bringing charges before a grand jury.

This is not "censorship" in any case. If the law is violated, it is the mandatory duty of the postmaster, the policeman, the customs officer, or the prosecuting attorney, as the case may be, to proceed promptly against the offender.

"Censorship" gives some official or board discretion to approve or disapprove, to allow or disallow, certain things or acts in accordance with the opinion of the official or board. Here, on the contrary, there is only the issue of law enforcement.

Proof that "censorship" is not involved at all, but that S. 1058 is designed to do away with the mandatory statutes that prohibit the use of the mails for treasonable, insurrectionary, conspirative, and other subversive criminal plots—that may best be promoted on a large scale, of course, through the mails—is furnished by the failure of the report to cite the provisions of law alluded to as virtually a "censorship law."

Proof that repeal of these laws not only but their nullification while in force is urged by the so-called American Civil Liberties Union in the interests of revolutionary communist groups is contained in the letter sent out by the American Civil Liberties Union, February, 1931, in part as follows:

"Urge repeal of the espionage act: The House of Representatives still has before it bill S. 3416, which calls for repeal of the war-time espionage act. This bill was passed in the Senate last session. Write your Representative urging him to vote for it.

"Write also to Postmaster General Walter F. Brown, Washington, D. C., asking that he stop the drive on the radical press now being made under a section of the espionage act. Four radical papers have been barred from the mails for 'seditious language' and 'revolutionary advocacies'—the Revolutionary Age, the Young Worker, the Young Pioneer, and a Spanish weekly, Vida Obrera. The first is a weekly organ of the expelled 'majority (Lovestone) group' of communists and the others are official communist party papers."

There is proof not only that this bill (S. 1058), which is the same as S. 3416 of the last Congress, is urged on behalf of communists, but also that the American Civil Liberties Union is urging its members to ask the postmaster to nullify the law, pending its repeal, in the interests of revolutionary communists.

The three sections of the Criminal Code involved follow in full text:

CRIMINAL CODE SECTIONS REPEALED BY S. 1058—TEXT OF SECTIONS 343, 344, AND 345, UNITED STATES CODE, TITLE 18; 40 STAT. L. 230

"343. Certain letters or writings nonmailable; opening letters.—Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book or other publication, matter or thing of any kind, in violation of any of the provisions of sections 25, 27, 31 to 38, inclusive, 238, 381, 502, 611 to 633, inclusive, of this title, sections 213, 221 to 223, inclusive, and 231 to 235, inclusive, and 238 to 245, inclusive, of title 22, and sections 31 to 42 and 191 to 194 of title 50 is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier; but no person other than an employee of the Dead Letter Office, duly authorized, or other person upon a search warrant authorized by law, shall be authorized to open any letter not addressed to himself. (June 15, 1917, c. 30, Title XII, sec. 1, 40 Stat. 230.)"

"344. Letters and writings advocating treason declared nonmailable.—Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book or other publication, matter or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States is hereby declared to be nonmailable. (June 15, 1917, c. 30, Title XII, sec. 2, 40 Stat. 230.)"

"345. Using or attempting to use mails for transmission of matter declared nonmailable by title; jurisdiction of offense.—Whoever shall use or attempt to use the mails or Postal Service of the United States for the transmission of any matter declared by sections 343 and 344 of this title to be nonmailable shall be fined not more than $5,000 or imprisoned not more than five years, or both. Any person violating any provision of said sections may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was carried to be delivered by mail to the person to whom it was addressed. (June 15, 1917, c. 30, Title XII, sec. 3, 40 Stat. 230.)"

CONSPIRACY SECTION AMENDED BY S. 1058—TEXT OF SECTION 34, UNITED STATES CODE, TITLE 50; 40 STAT. 219

"34. Conspiracy to violate preceding sections.—If two or more persons conspire to violate the provisions of sections 32 or 33 of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this chapter shall be punished as provided by section 88 of title 18. (June 15, 1917, c. 30, Title I, sec. 4, 40 Stat. 219.)"

The Walsh bill (S. 1058) repeals the three sections of title 18 above set forth—and thereby permits the use of the mails for violation of 58 other laws covered by section 343 and section 344—but this fact is not mentioned in the report. These are not "war measures" at all. They apply equally in times of peace—as does section 34 of title 50 set forth above.

Section 33, title 50, is also repealed by S. 1058—but the text of that law, which applies only "when the United States is at war" is set forth on the first page of the report on S. 1058, as it was in the report on the same bill, in the same way, when S. 3416 of the Seventy-first Congress, identical with S. 1058, was reported June 5, 1930. (See Rept. No. 831, Calendar No. 845, 71st Cong., and S. 3416, 71st Cong.)

HOW BILL PASSED SENATE IN 1930

S. 3416, identical with the present S. 1058, was passed by the Senate June 11, 1930 (permanent RECORD, p. 10484), without debate, and with 17 lines of explanation about "war measures" and the power of the postmaster to "throw out" unmailable matter. This was during a debate on the tariff, when many other measures on the calendar were being passed or passed over.

One Senator, Senator GEORGE, when the bill was read, said:

"Mr. President, I would like to have an explanation of this bill. I am not familiar with it. It seems to be an important measure."

Senator WALSH of Montana thereupon made the brief "war measures" and "censorship" explanation of 17 lines, and the bill was passed without a roll call, or any other discussion. (CONGRESSIONAL RECORD, June 11, 1930, p. 10484.) No action was taken on the bill in the House of Representatives. Hence the present "drive" to pass an identical bill (S. 1058) with an identical report, at the present session.

PART OF AMERICAN CIVIL LIBERTIES UNION SUBVERSIVE PROGRAM

This bill is part of the program which the so-called American Civil Liberties Union is interested "in putting through Congress" to "help lessen the weapons of repression in the hands of courts and Government officials."

The American Civil Liberties Union letter of March, 1932, lists it as a companion measure to several other radical measures it is backing, such as S. 3275 and H. R. 298, to admit aliens who refuse to bear arms to American citizenship and to "overcome" three decisions of the Supreme Court of the United States to the contrary; to S. 3907, "to abolish 1-man censorship by the Post Office Department" in regard to obscene matter, and to S. J. Res. 43 and H. J. Res. 179, "calling on the President to restore the rights of citizenship to persons convicted under the espionage act during the war for their pacifist utterances."

LAWS ADMITTEDLY NOW IN FORCE

While neither the report nor the anonymous ex parte memorandum accompanying it set forth the text of sections 343, 344, and 345 of the Criminal Code (title 18, U. S. C.), which S. 1058 proposes to repeal, nor the text of section 34, title 50, United States Code, which S. 1058 proposes to amend, the following significant admissions are to be found in the anonymous memorandum at page 3 of the report:

"This title in its original form not only remains in the body of our law but is not even suspended until the next war. It is now operative and ready for use at any time."

"By a series of decisions the United States Supreme Court upheld the constitutionality of section 3 of title 1. Illustrative authorities are:

"Pierce *v.* United States (252 U. S. 239), 1920.

"Schenck *v.* United States (249 U. S. 47), 1919.

"Frohwerk *v.* United States (249 U. S. 204), 1919.

"In the famous Milwaukee Leader case (U. S. *v.* Burleson, 255 U. S. 407, 1921) the Supreme Court upheld Section XII."

Here is an inadvertent confession that all the propaganda to the effect that this bill is intended "merely to repeal" certain "war measures," applicable only "when the United States is at war"—as the report would otherwise indicate, by quoting only one out of the four laws it repeals, on the front page of the report, and the bill, by its recited purpose and arrangement—is for the purpose of "putting through Congress" a radical measure that could not easily be passed with full discussion of its ramifications, and consideration of the 68 different laws which the repeal of sections 343, 344, and 345 of the Criminal Code (title 18, U. S. C.) would allow criminals to violate through use of the mails without punishment for such abuse of the mails.

In considering S. 1058 the Senate should also have before it the 68 sections of law it affects, which may be listed as follows:

LAWS AFFECTED BY S. 1058

Section of U. S. Code	Prohibitive or administrative purpose	Penalty in statute
	TITLE 18, CRIMINAL CODE	
25	Organizing military expedition against friendly power	$3,000 or 3 years.
27	Compelling foreign vessels to depart (Executive)	No penalty.
31	Enforcement of neutrality; withholding clearances	Do.
32	Detention of armed vessels (Executive)	Do.
33	Sending out armed vessel to belligerent nation	Do.
34	Statements required of masters of vessels (Commerce Department).	Do.
35	Forbidding departure of vessels (Executive)	Do.
36	Unlawful taking of vessel out of port	$10,000 or 5 years.
37	Internment of belligerents and allowing escape	$1,000 or 1 year.
38	Enforcement by land and naval forces (War and Navy Departments).	No penalty.
288	"Foreign government" defined, including unrecognized faction.	Do.
381	Violent interference with foreign commerce	$10,000 or 10 years.
502	Injuring vessel engaged in foreign commerce	$10,000 or 20 years.
611–633	Search warrant laws	$1,000 or 1 year.
	TITLE 22, FOREIGN RELATIONS	
213	Requiring application for passport	No penalty.
221	Unlawful use of passport	$2,000 or 5 years.
222	Forging, altering, etc., of passport	Do.
223	Passport control act	No penalty.
231	False statements to injure United States in foreign relations	$5,000 or 5 years.

LAWS AFFECTED BY S. 1058—continued

Section of United States Code	Prohibitive or administrative purpose	Penalty in statute
	TITLE 22, FOREIGN RELATIONS—continued	
232	False assumption of diplomatic or consular office	$5,000 or 5 years.
233	Acting as foreign government agent without notice (State Department).	Do.
235	"Foreign government" defined, including unrecognized faction.	No penalty.
238	Seizure of munitions of war for export	Do.
239	Warrant for detention of property	Do.
240	Petition for restoration of property seized	Do.
241	Libel and sale of seized property	Do.
242	Method of trial	Do.
243	General extent of interference with foreign trade	Do.
244	Discretion of President to release seized property	Do.
245	Use of land and naval forces to prevent exportation	Do.
	TITLE 50, NATIONAL DEFENSE	
31	Unlawfully obtaining information affecting national defense	$10,000 or 2 years.
32	Unlawfully disclosing information affecting national defense in time of peace.	20 years.
	Unlawfully disclosing information affecting national defense in time of war.	30 years or death.
33	Seditious or disloyal acts in time of war	$10,000 or 20 years.
34	Conspiracy to violate preceding sections	As in said sections.
35	Harboring or concealing violators of law	$10,000 or 2 years.
36	Designation of prohibited places (by President)	No penalty.
37	Places subject to provisions of chapter	Do.
38	Jurisdiction of courts-martial (War and Navy Departments)	Do.
39	Jurisdiction of courts of Canal Zone and Philippines	Do.
40	"United States" defined	Do.
41	"Foreign government" defined, including unrecognized factions.	Do.
191	Regulation of vessels in national emergency	Do.
192	Seizure of vessels failing to observe regulations	$10,000 or 2 years.
193	Destruction or injury of vessels	Do.
194	Use of land and naval forces to enforce provisions	No penalty.

It is to be observed that the majority of these 68 sections, including all those conferring powers on the President and the several departments as to neutrality, foreign trade, regulations of vessels, relations with foreign governments, and passports, search warrants, etc., and provisions for the national defense, either carry no penalty or a lesser penalty than the statutes S. 1058 proposes to repeal.

Only nine of these laws carry a greater penalty in the statute than that prescribed by section 345, title 18, United States Code, for using the mails to violate them.

Only three of these laws carry a similar penalty in the statute to that provided for using the mails to violate them.

All the others, if S. 1058 is passed, may be violated hereafter with much less risk or penalty if there is no penalty for using the mails to violate them.

The Federal Government for many years has accomplished various good purposes in promoting national defense and protecting its citizens from fraud, obscenity, and various other evils by denying the use of the mails or prohibiting the shipment in interstate commerce of various fraudulent or immoral goods.

It is well known that lotteries have been practically abolished merely by denying the mails to persons promoting such gambling schemes.

If such use of the postal power and the interstate commerce power is proper and constitutional—as the Supreme Court has uniformly held—to protect the American people against petty frauds and gambling devices sent to them through the mails, it is self-evident that for a greater reason the present statutes prohibiting the use of the mails for treasonable, seditious, and revolutionary schemes to overthrow the United States Government itself, and to arouse its citizens to rebellion and insurrection, should be continued in full force and effect.

Respectfully submitted.

BOARD OF DIRECTORS, THE WOMAN PATRIOT CORPORATION
MARY G. KILBRETH, *Chairman.*

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 97) to protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, brand, or name was announced as next in order.

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

Mr. ROBINSON of Arkansas. Mr. President, if the bill is to be taken up, it is certainly of sufficient importance to command an explanation for the benefit of the Senate.

Mr. CAPPER. Mr. President, I will not ask that the bill be taken up at this time. I shall, though, in the near future ask that time may be given for a proper consideration of the measure. It is one of very great importance and I am very anxious that it should be presented to the Senate in the regular way.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 80) authorizing the Secretary of War to furnish equipment, goods, and supplies to governors for use in aid of distressed citizens was announced as next in order.

Mr. REED. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1155) to establish a board of indeterminate sentence and parole for the District of Columbia and to determine its functions, and for other purposes, was announced as next in order.

Mr. BRATTON. In behalf of the senior Senator from Montana [Mr. WALSH], who is absent, I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

SUIT BY TLINGIT AND HAIDA INDIANS OF ALASKA

The bill (S. 1196) authorizing the Tlingit and Haida Indians of Alaska to bring suit in the United States Court of Claims and conferring jurisdiction upon said court to hear, examine, adjudicate, and enter judgment upon any and all claims which said Indians may have, or claim to have, against the United States, and for other purposes, was announced as next in order.

The VICE PRESIDENT. The Chair is informed that this bill was passed on April 11, and the action in passing the bill was subsequently reconsidered. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS FOR COLORADO SCHOOL OF MINES

The bill (H. R. 231) to grant certain lands to the State of Colorado for the benefit of the Colorado School of Mines was considered, ordered to 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 issue to the State of Colorado patent conveying title to the south half southeast quarter section 22; the north half northeast quarter, and the southwest quarter northwest quarter section 27, township 18 south, range 66 west, sixth principal meridian, Colorado, for the use and benefit of the Colorado School of Mines located at Golden, upon payment to the United States of $1.25 per acre therefor: *Provided*, That there is found to be no conflicting valid claim to the lands so described: *And provided further*, That there shall be reserved to the United States all coal, oil, gas, or other mineral deposits found at any time in the land, together with the right of the United States, its grantees or permittees, to prospect for, mine, and remove such deposits, under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

BILL PASSED OVER

The bill (H. R. 1039) establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

WATERTON-GLACIER INTERNATIONAL PEACE PARK

The bill (H. R. 4752) for establishment of the Waterton-Glacier International Peace Park was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purpose of permanently commemorating the long-existing relationship of peace and good will existing between the people and Governments of Canada and the United States and upon the enactment by the proper authority of the Canadian Government of a similar provision respecting the Waterton Lakes National Park in the Province of Alberta and upon the proclamation of the President of the United States, who is hereby authorized to issue such a proclamation, the Glacier National Park in the State of Montana shall become a part of an international park to be known as the Waterton-Glacier International Peace Park.

SEC. 2. For purposes of administration, promotion, development, and support by appropriations that part of the said Waterton-Glacier International Peace Park within the territory of the United States shall be designated as the Glacier National Park.

MERGER OF DISTRICT STREET-RAILWAY CORPORATIONS

The joint resolution (S. J. Res. 13) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. I ask that the joint resolution go over.

Mr. AUSTIN. I move that the Senate proceed to the consideration of the joint resolution notwithstanding the objection.

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

The VICE PRESIDENT. Eighty-three Senators have answered to their names; a quorum is present. The question is on the motion of the Senator from Vermont to proceed to the consideration of the joint resolution, which will be reported by title.

The CHIEF CLERK. The joint resolution (S. J. Res. 13) to authorize the merger of street-railway corporations in the District of Columbia, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Vermont. [Putting the question.] The Chair is in doubt.

Mr. LA FOLLETTE. I ask for a division.

On a division, the motion was rejected.

SAMSON DAVIS

The Senate proceeded to consider the bill (S. 332) to correct the military record of Samson Davis, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 5, after the words "member of," to strike out "Company A, Ninth Regiment United States Infantry," and insert "the Hospital Corps, United States Army"; and, on line 10, after the date "1902," to insert "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Samson Davis, who was a member of the Hospital Corps, United States Army, shall 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 29th day of August, 1902: *Provided*, That no bounty, back pay, 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 for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Samson Davis."

CHESTER J. DICK

The Senate proceeded to consider the bill (S. 669) for the relief of Chester J. Dick, which had been reported from the Committee on Claims with amendments, on page 1, line 5,

after the word "in," to strike out "the amount of $245.24" and insert "an amount not to exceed $662.77"; and on page 2, line 5, after the words "obligation of," to strike out "$245.24" and insert "$662.77," so as to make the bill read:

Be it enacted, etc., That the Comptroller General is authorized and directed to credit the accounts of Chester J. Dick, captain, Finance Department, United States Army, in an amount not to exceed $662.77, representing the amount of stoppage against the pay of the said Chester J. Dick ordered by The Adjutant General because of the embezzlement by Otto Melton, former civilian cashier, Fort Leavenworth, Kansas, of funds for which the said Chester J. Dick was accountable.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Chester J. Dick an amount equal to the amounts paid by him to the United States in partial settlement of the said obligation of $662.77.

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. 2458) for the relief of Ralph E. Williams for loss suffered on account of the Lawton, Okla., fire, 1917, was announced as next in order.

Mr. REED. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1251) relating to the making of loans to veterans upon their adjusted-service certificates was announced as next in order.

Mr. BINGHAM. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

INTERNATIONAL GEOLOGICAL CONGRESS

The joint resolution (S. J. Res. 82) authorizing an appropriation for the expenses of the sixteenth session of the International Geological Congress to be held in the United States in 1933 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the sum of $85,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of the sixteenth session of the International Geological Congress to be held in the United States in 1933, including salaries in the District of Columbia and elsewhere, without reference to the classification act of 1923, as amended, communication service, travel expenses, including local transportation and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), printing and binding, rent in the District of Columbia and elsewhere, official cards, entertainment, hire, operation, and maintenance of motor-propelled passenger-carrying vehicles, and such other expenses as the Secretary of State shall deem proper.

AMENDMENT OF MERCHANT MARINE ACT AS APPLIED TO VIRGIN ISLANDS

The bill (S. 3950) to amend section 21 of the act approved June 5, 1920, entitled "An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes," as applied to the Virgin Islands of the United States was announced as next in order.

Mr. JOHNSON. Mr. President, the Senator from Tennessee [Mr. McKELLAR] has offered an amendment which can not be accepted to this bill. Inasmuch as he is absent, I will have to ask that the bill be passed over. If he comes in, I will ask to have it taken up again.

The VICE PRESIDENT. The bill will be passed over.

SENDING THROUGH THE MAILS OF THREATENING COMMUNICATIONS

The Senate proceeded to consider the bill (H. R. 96) to punish the sending through the mails of certain threatening communications, which was read, as follows:

Be it enacted, etc., That whoever, with intent to extort or without justification to demand from any person money or other thing of value, shall deposit or cause to be deposited in any post office, or station thereof, or street or other letter box of the United States, or authorized depository for mail matter, to be sent or delivered by the Post Office establishment of the United States, any written or printed letter or other communication with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat (1) to injure the person, property, or reputation of the addressee or of another or the reputation of a deceased person, or (2) to kidnap any person, or (3) to accuse the addressee or any other person of a crime punishable by law, or (4) to expose any infirmities or failings of any person or to charge any person with infirmities or failings shall be fined not more than $5,000 or imprisoned not more than 20 years: *Provided*, That the accused may be indicted and tried either in the district in which the unlawful matter is deposited as aforesaid or in the district to which it is carried by mail for delivery, according to the directions thereon or in the district to which it is directed to be delivered by mail by the person to whom it is addressed.

Mr. PATTERSON. Mr. President, I offer an amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 5, after the word "law," it is proposed to insert:

Or whoever shall deposit, or cause to be deposited in any post office or station thereof, or street or other letter box of the United States, or authorized depository for mail matter, to be sent or delivered by the Post Office Establishment of the United States, any printed or written letter, or other communication, with or without a name or designating mark subscribed thereto, addressed to any other person and containing any demand or request for ransom or reward for the release of any kidnaped person.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Missouri.

Mr. REED. Mr. President, that is not the place to put the amendment.

Mr. JOHNSON. Mr. President, may I call to the attention of the Senator the fact that his amendment, I think, is placed in a particular conjunction of words which were stricken out when the bill last was before us. Am I correct in saying that the amendment is after line 5, page 2?

The CHIEF CLERK. On April 18 the Senate, on page 2, lines 5 and 6, struck out the following words: "punishable by law, or (4) to expose any infirmities or failings of any person or to charge any person with infirmities or failings."

Mr. JOHNSON. The amendment is stated to occur where, please?

The CHIEF CLERK. After the word "law" in line 5, which was heretofore stricken out. The last word of the line is "crime."

Mr. JOHNSON. It would be after the word "crime," then.

Mr. ROBINSON of Arkansas. Mr. President, I do not rise to address myself to the amendment of the Senator from Missouri, but to call to the attention of Senators who have studied this bill the language employed in line 3, page 1:

That whoever, with intent to extort or without justification to demand—

I pointed out the other day that the use of certain language on page 2 of the bill—namely, "punishable by law"—was surplusage and added nothing to the meaning of the bill. I do not know what the legal effect of the language "without justification" would be. Would it mean that if one made a demand of another, and was unable in a court of law to sustain his demand, he would be guilty of a penal offense for making a demand? Plainly under those circumstances a demand would be without justification. Of course, that is not the intention of the bill; but the language ought to be modified so as to state "or without good faith to make a demand," my thought being that the statute should not penalize a demand which might be determined to be without justification if the demand was made in good faith. Frequently it requires court proceedings to determine whether a demand is with or without justification.

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

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Missouri?

Mr. ROBINSON of Arkansas. Yes.

Mr. PATTERSON. I desire to suggest that depositing a letter in the mail with intent to extort, or without justification, would not of itself be any offense at all unless it was coupled with a threat to injure the property, person, or reputation of another, or to kidnap a person, or to accuse the addressee or any other person of a crime punishable by law. The two things would have to concur in order to constitute any offense. So it does not seem to me that there is any real reason why the words "without justification" should be

stricken out when we take them in connection with the language used farther on in the bill.

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

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

Mr. ROBINSON of Arkansas. Yes; I yield to the Senator from Connecticut.

Mr. BINGHAM. May I ask the Senator from Missouri what objection there would be to striking out the words "without justification"? They merely weaken the bill, and make possible a loophole of escape to some one who has sent a letter demanding money with a threat to kidnap. He might claim that he had justification because some person in the other one's family had done him some harm, and that that was justification. Why not strike out the words "without justification"?

Mr. PATTERSON. There is not any real reason why the words should be there. They do not add to or detract from the bill, the way I view it, when it is all read together.

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

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

Mr. ROBINSON of Arkansas. I yield to the Senator.

Mr. REED. It seems to me it is just as desirable to punish a threat, which is blackmailing, even if it is made in order to force the payment of a debt which is admittedly due. If the Senator from Missouri were indebted on a promissory note, I am sure he would think it should be made a crime for the payee of that note to threaten to kidnap his child if he did not pay it. It seems to me it introduces an opportunity for legal quibbling to leave the words there, and that the bill would be improved by striking them out.

Mr. BORAH. Mr. President, what could be justification? How could there be justification?

Mr. REED. There could not be justification for a threat; but it is not to the threat that the words apply.

Mr. ROBINSON of Arkansas. The point I am making is that if it were a legal demand, the sending of a threat would be violative of this statute.

Mr. REED. Exactly.

Mr. ROBINSON of Arkansas. If it were not a legal demand, the demand would be without justification and it would be illegal. Why complicate the matter by raising an issue of that character? As stated by the Senator from Pennsylvania, if one undertakes to collect a just debt by the employment of the processes contemplated in this bill, by threats of violence or harm, it ought to be prohibited, even though the demand is with justification; that is to say, even though there may be a valid debt.

I have no pride of opinion about the matter, but I think the words "or without justification to demand" should go out; and I think the word "extort" would carry all the meaning, expressed and implied, that is in the mind of the author of the bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Missouri [Mr. PATTERSON].

Mr. BINGHAM. Mr. President, may we have an explanation of the amendment? It is a little long, and we have not it before us.

Mr. PATTERSON. Mr. President, the amendment, stripped of its legal verbiage, simply makes it an offense to deposit in the mails a demand for ransom for a kidnapped person. That is the sum and the substance of the amendment. It forbids a demand for ransom for the return of a kidnapped person.

Mr. BINGHAM. May we have it read again?

The VICE PRESIDENT. The amendment will be restated.

The CHIEF CLERK. The Senator from Missouri offers the following amendment:

On page 2, line 5, after the word "crime," insert:

Or whoever shall deposit, or cause to be deposited in any post office or station thereof, or street or other letter box of the United States, or authorized depository for mail matter, to be sent or delivered by the post-office establishment of the United States, any printed or written letter, or other communication, with or without a name or designating mark subscribed thereto, addressed to any other person and containing any demand or request for ransom or reward for the release of any kidnapped person.

Mr. ROBINSON of Arkansas. Mr. President, I do not see any objection to the amendment proposed by the Senator from Missouri. Upon hearing it read, it impresses me as in harmony with the general purposes and provisions of the bill. It specifies an act which is obnoxious to the minds of all law-abiding persons; and I believe the amendment of the Senator from Missouri should be agreed to.

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

Mr. ROBINSON of Arkansas. Certainly.

Mr. BINGHAM. Is there any way in which provision could be made for the protection of an innocent person who is handed a letter of this kind by a guilty person, and requested to deposit it in a mail box?

Mr. ROBINSON of Arkansas. Yes; I think it should read "knowingly" to do it. I think the suggestion is a very good one, if the language employed by the Senator from Missouri does not comprehend the guilty knowledge of the person actually transmitting the message.

Mr. BINGHAM. Should not that word also be inserted on page 1, line 10? It applies also to a letter threatening to kidnap, and would apply to an innocent person depositing such a letter in a mail box without knowing what he was doing, subjecting him to a fine of $5,000 and 20 years in jail. Should not the word "knowingly" be placed in there at the proper point?

Mr. ROBINSON of Arkansas. Mr. President, under the conditions that surround us while we are considering this bill, it is very difficult to answer the question of the Senator from Connecticut conclusively. I am rather impressed that his suggestion is a good one. It does seem to me that this bill ought to be considered by the Judiciary Committee. It would require only a very brief period, and it would be helpful to have the committee pass on the bill. I wonder whether the author of the bill would object to that?

Mr. McKELLAR. Mr. President, I reported the bill from the Committee on Post Offices and Post Roads, and I would have no objection to it taking the course suggested. I want to say that the proposal submitted in the amendment of the Senator from Missouri was not before our committee at all, and it was not considered by the committee. I have read the proposed amendment of the Senator from Missouri as he has submitted it to me, and I think it is a very wise suggestion, and that the amendment should be incorporated in the bill under any circumstances.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will yield, I suggest that the bill, with all amendments, be referred to the Committee on the Judiciary, and I suggest to the Senator from Connecticut that he propose the amendment of which he spoke a moment ago.

The PRESIDENT pro tempore. The Chair understands the Senator from Arkansas to ask unanimous consent that the bill and all amendments proposed in the Senate be referred to the Committee on the Judiciary.

Mr. McKELLAR. Mr. President, would that include the amendment of the Senator from Missouri?

The PRESIDENT pro tempore. It would.

Mr. McKELLAR. Has it been offered?

Mr. PATTERSON. The amendment has been offered.

Mr. BINGHAM. Mr. President, I dislike to see anything done with the bill which would delay it, because I understand it is needed. At the same time, it would create a very serious crime, punishable by 20 years in jail, and it seems to me that so many points have been raised regarding the absence of necessary words or the inclusion of unnecessary words that it would be wise to have the bill referred to the Judiciary Committee, with the request that it be reported back immediately in such form as may meet the views of that committee.

Mr. REED. Mr. President, if the bill is to be referred to the Committee on the Judiciary, I want to suggest one further amendment.

I believe it has been understood that the words "or without justification to demand" shall come out. That would

leave the bill reading in this way, "with intent to extort from any person money or other thing of value." A law in those words could never in the world be used to convict anybody, because legally "to extort" means to compel the payment of money under color of office. The words "extort" and "extortion" have a definite meaning in law, except in a few places where I suppose they have been broadened by statute. Ordinarily "to extort" means to compel the payment of money under assertion of some right of public office, and if that word were left in the measure, the first criminal lawyer who saw it would get his client acquitted, because what we mean is "to compel the payment of money," not "to extort" it.

Mr. ASHURST. The Senator is right about that.

Mr. REED. That is one of the things the Judiciary Committee ought to consider.

The PRESIDENT pro tempore. Is there objection to the unanimous consent request preferred by the Senator from Arkansas? The Chair hears none, and that order will be entered.

Mr. McKELLAR subsequently said: Mr. President, in the case of Order of Business No. 520, House bill 96, which was considered this morning, the bill being rereferred to the Committee on the Judiciary after having been reported from the Post Office Committee, I offer an amendment to the bill.

I ask unanimous consent at this point that the amendment I offer, together with the amendment of the Senator from Missouri [Mr. PATTERSON] be printed in a new print for the benefit of the committee.

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

IMMIGRATION VISAS

The bill (S. 34) to provide for a review of the action of consular officers in refusing immigration visas was announced as next in order.

Mr. REED. Let that go over.

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

ADDITIONAL DISTRICT JUDGES, NEW JERSEY

The Senate proceeded to consider the bill (S. 1335) to provide for the appointment of two additional district judges for the district of New Jersey, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 4, to strike out the word "two" and to insert in lieu thereof the word "one"; on line 5 to strike out the word "judges" and to insert in lieu thereof the word "judge"; and on page 2, line 2, to strike out the word "judges" and to insert the word "judge," so as to make the bill read:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, one additional district judge for the District Court of the United States for the District of New Jersey, who shall reside in such district, and whose compensation, duties, and powers shall be the same as now provided by law for other district judges. A vacancy occurring at any time in the office of the district judge herein provided for is authorized to be filled.

The amendments were agreed to.

Mr. JOHNSON. Mr. President, I am compelled to ask that this bill go over. I may want to present an amendment to it.

Mr. HEBERT. Mr. President, will not the Senator withhold his objection temporarily until I may make a brief statement with regard to the urgent need of this legislation?

Mr. JOHNSON. I know about that. I am perfectly willing to withhold the objection, but there is similar urgent need in at least one jurisdiction of the West.

Mr. HEBERT. I may say to the Senator that we have a number of bills under consideration in the Committee on the Judiciary providing for various districts, among others the one to which the Senator refers.

Mr. JOHNSON. I am sure of that.

Mr. HEBERT. This is but one of many we have under consideration.

Mr. JOHNSON. I would like to add one from the West.

Mr. HEBERT. Do I understand the Senator wants to add one in this bill?

Mr. JOHNSON. I think it would be a very appropriate thing. Does not the Senator think so?

Mr. HEBERT. Mr. President, I do not know that I have any serious objection to that being done, except that I think the committee ought to consider each one of those cases on its own merits.

Mr. JOHNSON. Inasmuch as the Senator is considering a necessity that is even greater than that of New Jersey at the present time, I will make no further objection to the bill.

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

The title was amended so as to read: "A bill to provide for the appointment of an additional district judge for the district of New Jersey."

REGULATION OF PLUMBING AND GAS FITTING

The Senate proceeded to consider the bill (S. 3400) to amend an act of Congress approved June 18, 1898, entitled "An act to regulate plumbing and gas fitting in the District of Columbia, which had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 8, to strike out the words "bona fide residents of the District of Columbia," and to insert the words "citizens of the United States," so as to make the bill read:

Be it enacted, etc., That sections 3 and 4 of the act of Congress approved June 18, 1898, entitled "An act to regulate plumbing and gas fitting in the District of Columbia," be, and the same are hereby, amended to read as follows:

"SEC. 3. That applicants for licenses as master plumbers and gas fitters or master gas fitters, who are citizens of the United States, must be 21 years of age, must make application in their own handwriting, and must accompany such application with a certificate as to good character signed by at least three reputable residents of the District of Columbia, two of whom shall certify that the applicants have had at least four years' experience in the plumbing and gas-fitting business. Nonresident applicants for licenses as master plumbers and gas fitters or master gas fitters may present to the Commissioners of the District of Columbia a certificate from the examining board of plumbers or gas fitters in the State or Territory, or city in which the principal place of business of each applicant is located, showing qualifications equal to those prescribed by this section for resident applicants, and, upon presenting such certificate, shall be exempted from examination but shall be required to pay the fee for license provided in section 4 for resident applicants. Such exemption from examination shall, however, be granted only when the State, Territory, or city of the principal place of business of the applicant extends reciprocal privileges to applicants from the District of Columbia holding licenses therein as master plumbers and/or master gas fitters.

"SEC. 4. That all renewals of existing licenses and all new licenses as a master plumber and gas fitter or master gas fitter shall be for a period of not more than one year and that the fee for such license shall be not less than $25 nor more than $50 per annum, to be fixed by the Commissioners of the District of Columbia, for a license year beginning January 1 and ending December 31. Such special license fee shall be separate from, or in addition to any contractors' or business license tax, hereafter fixed for this and similar occupations by the Commissioners of the District of Columbia according to law. Licenses issued at any time after the beginning of the year shall date from the first day of the month in which the license is issued and end on the last day of the license year, and payment shall be made of a proportional amount of the annual license fee. Any licensee may apply for and receive a license for or on behalf of any firm, copartnership, or corporation that he is a bona fide member of, or a substantial stockholder in, but all plumbing or gas fitting done pursuant to such license shall be done under the immediate personal supervision of the licensed man.

"The Commissioners of the District of Columbia or their duly authorized agent shall have the power to suspend or revoke any plumber's or gas fitter's license for a violation of the plumbing or gas-fitting regulations after a public hearing granted the licensee or after conviction in court for such violation or for conduct involving moral turpitude. This act shall become effective on the 1st day of January following its enactment."

The amendment was agreed to.

Mr. TRAMMELL. I ask that this bill may go over.

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

CONTRACTS FOR PUBLIC WORKS IN THE DISTRICT OF COLUMBIA

The bill (S. 3472) to amend the act of Congress approved June 26, 1912, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, 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 act of Congress approved June 26, 1912 (37 Stat. 168), be, and the same is hereby, amended to provide that formal written contracts with bond for construction and repair work of any character shall not be required where the labor cost of such work does not exceed the sum of $5,000, and hereafter it shall not be necessary to give notice in out-of-town newspapers of the intention to perform construction or repair work of any character, unless the estimated labor cost shall exceed the sum of $10,000; nor shall it be necessary to give notice in any newspaper of the intention to perform any such work unless the estimated labor cost exceeds the sum of $5,000.

NATIONAL ECONOMIC COUNCIL—PRINTING OF HEARINGS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 18) authorizing the printing of 3,000 additional copies of hearings held before the Committee on Manufactures on the Establishment of a National Economic Council, which was, on page 1, line 5, before the word "thousand," to strike out "three" and insert "one."

Mr. LA FOLLETTE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

APPOINTMENTS OF MIDSHIPMEN

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8083) providing for the appointment as ensigns in the line of the Navy of all midshipmen who graduate from the Naval Academy in 1932, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to, and the President pro tempore appointed the senior Senator from Maine [Mr. HALE], the junior Senator from Nevada [Mr. ODDIE], and the junior Senator from Florida [Mr. TRAMMELL] conferees on the part of the Senate.

FIRST STATE BANK & TRUST CO. OF MISSION, TEX.

The bill (H. R. 3953) for the relief of the First State Bank & Trust Co. of Mission, Tex., was announced as next in order.

Mr. HOWELL. Mr. President, I ask unanimous consent that this bill be recommitted for further consideration of the bill by the committee. This request is made at the suggestion of the Treasury Department.

The PRESIDENT pro tempore. Is there objection to the unanimous consent request preferred by the Senator from Nebraska?

The Chair hears none, and the bill will be recommitted to the Committee on Claims.

SENELMA WIRKKULA AND OTHERS

The Senate proceeded to consider the bill (H. R. 1770) for the relief of Senelma Wirkkula, also known as Selma Wirkkula; Alice Marie Wirkkula; and Bernice Elaine Wirkkula, which had been reported from the Committee on Claims with an amendment, on page 2, line 5, after the word "Minnesota," to insert the words "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000 to Senelma Wirkkula, also known as Selma Wirkkula, wife of Gust Henry Wirkkula, also known as Henry Wirkkula, on account of the death of the said Gust Henry Wirkkula, also known as Henry Wirkkula, who was killed by one Emmett J. White (a Federal officer, known as a Federal border patrolman, in Government service, while on duty), on June 8, 1929, while driving an automobile on a public highway near International Falls, in Koochiching County, Minn.: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

The bill was read the third time and passed.

GRINA BROS.

The bill (H. R. 1231) for the relief of Grina Bros. was considered, 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 redeem in favor of Grina Bros., of Ambrose, N. Dak., United States coupon note No. D-4419811 in the demonination 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.

ALVINA HOLLIS

The bill (H. R. 1768) for the relief of Alvina Hollis was considered, 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 Alvina Hollis, the sum of $1,500 in full settlement of all claims against the United States because of personal injuries sustained by the said Alvina Hollis when struck and injured on or about October 4, 1928, by a motor truck owned and operated by the Post Office Department of the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

RELIEF OF INDIANS IN WASHINGTON, IDAHO, AND MONTANA

The bill (S. 1523) for the relief of certain tribes or bands of Indians in the States of Washington, Idaho, and Montana was announced as next in order.

Mr. SMOOT. Let that go over.

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

CLAIMS OF CHIPPEWA INDIANS OF MINNESOTA

The bill (S. 3879) to amend an act approved May 14, 1926 (44 Stat. 555), entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," was announced as next in order.

Mr. SMOOT. Let that go over.

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

JURISDICTION OF DISTRICT COURTS OF THE UNITED STATES

The bill (S. 939) to limit the jurisdiction of district courts of the United States was announced as next in order.

SEVERAL SENATORS. Over.

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

JOHN J. CORCORAN

The bill (S. 903) for the relief of John J. Corcoran was announced as next in order.

Mr. HOWELL. Let that go over.

Mr. WALSH of Massachusetts. Mr. President, if the Senator who made the objection will withhold his objection for a moment, I would like to say that this is a very small claim, amounting to some $600, which has been pending for 10 years. The bill was reported unanimously by the Committee on Claims.

Mr. HOWELL. Mr. President, I will be glad to confer with the Senator from Massachusetts regarding the bill.

The PRESIDENT pro tempore. The Senator from Nebraska maintains his objection. The bill will go over.

Mr. WALSH of Massachusetts subsequently said: Mr. President, the junior Senator from Nebraska [Mr. HOWELL] recently objected to the consideration of Senate bill 903, for the relief of John J. Corcoran. I have conferred with the Senator, and it is my judgment, after conferring with him, that the bill should be recommitted to the Committee on Claims, of which he is chairman. Therefore I move that the bill be recommitted.

The PRESIDENT pro tempore. Without objection, the bill will be recommitted to the Committee on Claims.

COLORADO RIVER TRIBAL FUNDS

The Senate proceeded to consider the bill (S. 3864) authorizing expenditures from Colorado River tribal funds for reimbursable loans, which had been reported from the Committee on Indian Affairs with amendments, on page 2, line 2, after the word "support," to insert the words "and Indians having irrigable allotments to assist them in the development and cultivation thereof," and on line 10 to insert the words "loans on irrigable lands for permanent improvement of said lands in which the period for repayment may run for not exceeding 20 years, in the discretion of the Secretary of the Interior, and," so as to read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to use not to exceed $25,000 from tribal funds on deposit to the Indians of the Colorado River Indian Reservation, Ariz., for the construction of homes for individual members of the tribe, the purchase for sale to them of seed, animals, machinery, tools, implements, building material, and other equipment and supplies, and for advances to old, disabled, or indigent Indians for their support, and Indians having irrigable allotments to assist them in the development and cultivation thereof: *Provided*, That expenditures for the purposes above set forth shall be limited to the fiscal years 1932 and 1933 and such expenditures shall be made under conditions to be prescribed by the Secretary of the Interior for repayment to the United States for deposit to the credit of the Colorado River Indian tribal fund on or before June 30, 1938, except in the case of loans on irrigable lands for permanent improvement of said lands in which the period for repayment may run for not exceeding 20 years, in the discretion of the Secretary of the Interior, and advances to old, disabled, or indigent Indians for their support, such advances to remain a charge and lien against their lands until paid.

The amendments were agreed to.

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

CASPER-ALCOVA DIVISION, NORTH PLATTE PROJECT

The bill (S. 2842) to authorize construction of the Casper-Alcova division, North Platte project, Nebraska-Wyoming, was announced as next in order.

Mr. SMOOT. Let that go over.

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

NORTHERN PACIFIC HALIBUT FISHERY

The Senate proceeded to consider the bill (H. R. 8084) for the protection of the northern Pacific halibut fishery, which was ordered to a third reading, read the third time, and passed.

APPROPRIATIONS FOR THE DEPARTMENT OF STATE AND OTHER DEPARTMENTS

The bill (H. R. 9349) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1933, and for other purposes, was announced as next in order.

Mr. McNARY. Mr. President, that is the unfinished business, and I ask that it go over.

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

MANUFACTURE AND SALE OF STAMPED ENVELOPES

The bill (S. 4080) to regulate the manufacture and sale of stamped envelopes was announced as next in order.

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

QUALIFICATIONS OF PRACTITIONERS OF LAW

The bill (S. 3223) relating to the qualifications of practitioners of law in the District of Columbia was announced as next in order.

Mr. McNARY. Mr. President, at the request of a number of Senators I ask that this go over.

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

SALE OF DESERT LANDS

The bill (H. R. 5484) extending the provisions of the act entitled "An act to provide for the sale of desert lands in certain States and Territories," approved March 3, 1877 (19 Stat. 377), and acts amendatory thereof, to ceded lands of the Fort Hall Indian Reservation, was considered, ordered to a third hearing, read the third time, and passed, as follows:

Be it enacted, etc., That the provisions of the act entitled "An act to provide for the sale of desert lands in certain States and Territories," approved March 3, 1877 (19 Stat. 377), and acts amendatory thereof, are made applicable to the ceded lands on the former Fort Hall Indian Reservation opened to entry by the act of June 6, 1900 (31 Stat. 672): *Provided*, That no land shall be disposed of at less than the price fixed by that act.

BLACKFEET HIGHWAY RIGHTS OF WAY

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

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Montana, approved February 27, 1929, granting to the United States concurrent police jurisdiction over and within all the territory which is now or may hereafter be included in the rights of way of the Blackfeet Highway, including the highway itself throughout its length between Glacier Park Station and the Canadian boundary line, and including also the rights of way of the highways on the Blackfeet Indian Reservation connecting the Blackfeet Highway with the Glacier National Park road system, including the highways themselves, are hereby accepted, and the laws and regulations of the United States relating to and while in force within the Glacier National Park, so far as applicable, are hereby extended over and within the territory of said rights of way and highways.

SEC. 2. The Secretary of the Interior shall notify, in writing, the Governor of the State of Montana of the passage and approval of this act, and so far as the interests of the United States shall require, the said Secretary shall exercise administrative control and jurisdiction over said rights of way and highways through the National Park Service.

SEC. 3. The United States commissioner for the Glacier National Park shall have jurisdiction under the provisions of the act of August 22, 1914 (38 Stat. 699), of violations of law or the rules and regulations of the Secretary of the Interior in force within said rights of way and highways.

AMENDMENT OF RADIO ACT

The bill (H. R. 7716) to amend the radio act of 1927, approved February 23, 1927, as amended (U. S. C., Supp. V, title 47, ch. 4), and for other purposes, was announced as next in order.

Mr. DILL. Mr. President, some very important amendments will be offered to this bill, and a number of Senators are anxious to have the bill passed at an early date. I do not want to delay the consideration of other bills which will not take much time, and the Senator from Maine [Mr. WHITE] is anxious to have the bill go over, therefore I ask that it go over. But I give notice that I will seek to have the bill taken up in the near future.

The PRESIDENT pro tempore. The bill will go over.

SHANNON COUNTY, S. DAK., SCHOOL BOARD

The bill (S. 2340) to provide funds for cooperation with the school board of Shannon County, S. Dak., in the construction of a consolidated high school building to be available to both white and Indian children was announced as next in order.

Mr. SMOOT. Let that bill go over.

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

AMENDMENT OF FARM LOAN ACT

The bill (S. 2409) to amend Title II of the Federal Farm loan act in regard to Federal intermediate credit banks, and for other purposes, was anounced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this is an important bill and the Senate should know what it is doing while considering the bill. I do not know of any objection to it, but there has been no explanation of it.

The PRESIDENT pro tempore. Neither the author of the bill nor the Senator reporting it is present at the moment.

Mr. ROBINSON of Arkansas. I presume it should go over, then.

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

ENFORCEMENT OF CONTRACT-LABOR PROVISIONS OF IMMIGRATION LAW

The bill (H. R. 9598) to authorize increased expenditures for the enforcement of the contract-labor provisions of the immigration law, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 24 of the immigration act of February 5, 1917 (39 Stat. 874), is amended by striking out the figures "$100,000" where they appear in said section and inserting in lieu thereof the figures "$200,000."

BILLS AND RESOLUTION PASSED OVER

The bill (S. 4412) to provide for the safer and more effective use of the assets of Federal reserve banks and of national banking associations to regulate interbank control, to prevent the undue diversion of funds into speculative operations, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Over.

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

The resolution (S. Res. 60) to hear and determine the contest of George M. Pritchard *v.* Josiah W. Bailey for a seat in the Senate from the State of North Carolina, was announced as next in order.

Mr. ROBINSON of Arkansas. Let the resolution go over.

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

The bill (S. 3145) providing for the appointment of commissioners to hear cases arising under contracts of war-risk insurance in the District Courts for the Eastern and Western Districts of South Carolina was announced as next in order.

Mr. SMOOT. Over.

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

MAKING THE UNITED STATES PARTY DEFENDANT

The bill (S. 4148) to permit the United States to be made a party defendant in certain cases 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 the United States is given to be named a party in any suit which is now pending, or which may hereafter be brought in the courts of the State of Michigan having jurisdiction of the subject matter, for the purpose of clearing the title to, and removing liens from, all those pieces or parcels of land situate and being in the county of Lenawee and State of Michigan, described as follows, to wit:

The west half northwest quarter section 35, township 5 south, range 4 east, containing 80 acres of land, be the same more or less. Also that tract beginning at the northwest corner of Maumee and Boughton Streets in the village of Tecumseh, thence along the west line of said Maumee Street north to the corner of Lave Baxter, jr.'s, land, thence west along said Baxter's land to the mill pond, thence southwardly along the east side of said mill pond to said Boughton Street, thence along the north line of said Boughton Street to the place of beginning, containing about 30 acres of land, be the same more or less. Also village lot 130; and also that tract of land beginning at the southwest corner of said village lot 130 and on the east line of Mill Street; thence along the east line of said last-mentioned street southwardly to the line between village lots 126 and 127, thence along the said line last mentioned eastwardly to the east line of said lots; thence eastwardly to the line between village lots 139 and 140; thence along said lots to Maumee Street; thence north along the west line of said street to the line between village lots 133 and 134; thence along the south line of said lot 133 and of lots 132, 131, and 130 to the place of beginning, containing about 10 acres of land, be the same more or less.

SEC. 2. Service upon the United States shall be made by serving the process of the court, with a copy of the bill of complaint, upon the United States attorney for the eastern district of Michigan, and by sending copies of the process and bill, by registered mail, to the Attorney General of the United States, at Washington, D. C. The United States shall have 30 days after service as above provided, or such further time as the court may allow, within which to appear and answer, disclaim, plead, or demur.

SEC. 3. The final judgment or decree of the court in any suit brought under this act shall have the same effect respecting the discharge of a purported mortgage given by Joseph W. Brown and Cornelia T. Brown, his wife, of the first part, to the United States of America, of the second part, dated November 21, 1835, and recorded on December 30, 1835, in the register of deeds' office of Lenawee County, Mich., in Liber B of Mortgages, at page 447, as may be provided with respect to such matters by the law of the State of Michigan.

SEC. 4. No judgment for costs or other money judgment shall be rendered against the United States in any suit or proceeding which may be brought under the provisions of this act. Nor shall the United States be or become liable for the payment of the costs of any such suit or proceeding or any part thereof.

BILL PASSED OVER

The bill (H. R. 8754) to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, was announced as next in order.

Mr. REED. Over.

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

AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACTS

The bill (S. 4123) to amend the District of Columbia traffic acts, as amended, was considered.

Mr. COPELAND. Mr. President, this bill was introduced by the Senator from Indiana [Mr. WATSON] and provides that the Sergeant at Arms and other elective officers of the Senate shall be supplied with congressional automobile tags. I move to amend the bill on page 1, line 10, after the word "Representatives," by inserting the words "the attending physician of the House of Representatives."

The PRESIDENT pro tempore. Let the amendment be stated for the information of the Senate.

The amendment was, on page 1, line 10, after the word "Representatives," to insert "the attending physician," so as to make the bill read:

Be it enacted, etc., That the proviso of paragraph (c), section 6, of the District of Columbia traffic acts, as amended by the act approved February 27, 1931, be, and the same is hereby, amended to read as follows: *Provided*, That hereafter congressional tags shall be issued by the commissioners under consecutive numbers, one to each Senator and Representative in Congress, to the elective officers and disbursing clerks of the Senate and House of Representatives, the attending physician, and the assistant secretaries (one for the majority and one for the minority of the Senate), for their official use, which, when used by them individually while on official business, shall authorize them to park their automobiles in any available curb space in the District of Columbia, except within fire plug, fire house, loading station, and loading platform limitations, and such congressional tags shall not be assigned to or used by others."

The amendment was agreed to.

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

QUINTANA PLACE, DISTRICT OF COLUMBIA

The bill (S. 3911) to authorize the Commissioners of the District of Columbia to close Quintana Place, between Seventh Street and Seventh Place NW., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to close Quintana Place, between Seventh Street and Seventh Place NW., running

through square 3160 in the District of Columbia, dedicated as a public highway by plat recorded December 23, 1925, and recorded in book No. 80, page 173, of the records of the surveyor of the District of Columbia: *Provided*, That the title to the land lying within the area hereby closed shall revert to the proprietor of the adjoining blocks, the land in the said dedication never having been improved or used as a highway.

CLOSING STREETS AND ALLEYS IN DISTRICT OF COLUMBIA

The bill (S. 4106) to provide for the closing of certain streets and alleys in the District of Columbia, 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 Commissioners of the District of Columbia be, and they are hereby, authorized to close R Street for its full width from the east boundary of parcel 224/27 to the west building line of Sixteenth Street; to close Fifteenth Street for its full width from the north line of R Street to the southeasterly building line of Fairlawn Avenue; to close part of Q Street abutting lot 23 in square 5598; to close all public alleys in square 5598, and to close the public alley 16 feet wide in square 5604 extending south from R Street to the south line of lots 101 and 802 in said square 5604, all in the southeast section of the District of Columbia, the ground within the lines of the parts of streets and alleys so closed to revert to the District of Columbia for use for school purposes: *Provided*, That the owners of all property abutting on the parts of streets and alleys so closed shall consent to such closing.

SEC. 2. That Q Street, located within the boundaries of parcel 224/7 and extending from the west line of Sixteenth Street to the southeasterly line of Fairlawn Avenue, and R Street, located within the boundaries of parcel 224/27, extending from the east building line of Fourteenth Street to the east boundary of said parcel 224/27, are hereby removed from the plan of the permanent system of highways for the District of Columbia.

RESTORATION OF HOMESTEAD RIGHTS

The bill (S. 4029) to restore homestead rights in certain cases was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That hereafter any person who has heretofore made entry under the homestead laws on any lands embraced within any reservation ceded to the United States by the Indian tribes, and has paid for his land the sum of at least $1.25 per acre, shall, upon proof of such facts, if otherwise qualified, be entitled to the benefit of the homestead law as though such former entry had not been made; but the provisions of this act shall not apply to any person who has failed to pay the full price for his former entry or whose former entry was canceled for fraud.

REMOVAL OF DISCRIMINATION IN LAND GRANTS

The bill (S. 4165) to remove existing discriminations incident to certain land grants and to subject them to the same conditions that govern other land grants of their class was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the land-grant railroad heretofore operated and now being operated between the stations of Hastings and Ortonville, in the State of Minnesota, the land-grant railroad heretofore operated and now being operated between the stations of Houston and Airlie, in the State of Minnesota, the land-grant railroad heretofore operated and now being operated between the stations of Humboldt and Junction City, in the State of Kansas, and the land-grant railroad heretofore operated and now being operated between the stations of Jonesville and Mackinaw City, in the State of Michigan, shall hereafter receive compensation for transportation of property and troops of the United States at the same rate as is paid to land-grant railroads organized under the land grant act of March 3, 1863, and the act of July 2, 1866 (ch. 278): *Provided*, That the Congress hereby reserves the right at any time by law to prescribe such charges as it deems advisable for such Government transportation.

TRANSFER OF SCHOOL LANDS IN NORTH DAKOTA

The bill (S. 4416) to provide for the transfer of certain school lands in North Dakota to the International Peace Garden (Inc.), was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding any provision of any law of the United States to the contrary, the State of North Dakota is hereby authorized to provide by law for the transfer without cost of all of section 36, township 164 north, range 73 west, fifth principal meridian, containing 640 acres, more or less, according to the United States Government survey thereof, to the International Peace Garden (Inc.), a corporation organized and existing under the laws of the State of New York, to be used and maintained by the said International Peace Garden (Inc.), and in connection with other lands in the State of North Dakota and in the Province of Manitoba, Dominion of Canada, as a memorial to commemorate the long existing relationship of peace and good will between the people and Governments of Canada and the United States.

The conveyance from the State of North Dakota to said International Peace Garden (Inc.) shall contain a provision that if said land shall at any time thereafter cease to be used and maintained as an international peace garden the land shall revert to the State of North Dakota, and upon reversion to the State of North Dakota said land shall become subject to the laws of the United States applying thereto to the same extent as if this act had not been enacted.

CONVEYANCE OF LANDS TO MINNESOTA

The bill (H. R. 5603) to authorize the conveyance by the United States to the State of Minnesota of lot 4, section 18, township 131 north, range 29 west, in the county of Morrison, 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 Secretary of the Interior be, and he is hereby, authorized and directed to convey to the State of Minnesota all right, title, and interest of the United States in and to lot 4, section 18, township 131 north, range 29 west, fifth principal meridian, in the county of Morrison, State of Minnesota, formerly a part of Fort Ripley Military Reservation and restored to homestead entry by act of April 1, 1880 (21 Stat. L. 69), for military purposes and specifically as part of Camp Ripley Military Reservation. Such conveyance shall contain the express condition that if said State of Minnesota shall at any time cease to use such lot for such purpose or shall alienate or attempt to alienate such lot title thereto shall revert to the United States.

GRANT OF LANDS TO SAN DIEGO

The bill (H. R. 10495) amending an act of Congress approved February 28, 1919 (40 Stat. L. 1206), granting the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water, and for other purposes, so as to include additional lands, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 1 of an act of Congress approved February 28, 1919, granting the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water and other purposes, be amended to read as follows:

"That the south half northeast quarter northwest quarter and the north half southwest quarter section 8; the west half southwest quarter southwest quarter and the west half northeast quarter northwest quarter section 9, all in township 15 south, range 2 east, San Bernardino base and meridian, within the Cleveland National Forest; and the southwest quarter southwest quarter, the east half southwest quarter, the northwest quarter southeast quarter, and the west half northeast quarter southeast quarter section 11; the north half northwest quarter and the southwest quarter northwest quarter section 14; the southeast quarter southwest quarter, the southwest quarter southeast quarter, the east half southwest quarter southwest quarter, the northeast quarter southwest quarter, the east half northeast quarter northwest quarter, the east half southeast quarter northwest quarter, the northeast quarter, the north half southeast quarter, and the southeast quarter southeast quarter section 15; the northeast quarter southeast quarter section 21; the northwest quarter northeast quarter, the northwest quarter, the north half southwest quarter, the southwest quarter southwest quarter, the west half northeast quarter northeast quarter, and the south half northeast quarter section 22; the west half northwest quarter section 27; the east half northeast quarter, the southwest quarter northeast quarter, the southeast quarter, the east half northeast quarter southwest quarter, the east half southeast quarter southwest quarter, and the east half northwest quarter northeast quarter section 28; and the northeast quarter, the west half southeast quarter, the east half southwest quarter, the southeast quarter northwest quarter, and the east half northeast quarter northwest quarter section 33, all in township 14 south, range 2 east, San Bernardino base and meridian; also the north half southwest quarter, the southwest quarter southwest quarter, the west half northwest quarter southeast quarter, the west half southwest quarter southeast quarter, and the north half southeast quarter southwest quarter section 3; and lots 2, 3, 6, 7, 8, 9, 10, 11, and the south half section 4, all in township 15 south, range 2 east, San Bernardino base and meridian, within the Capitan Grande Indian Reservation, all within the county of San Diego and State of California, are hereby granted to the city of San Diego, a municipal corporation in said county and State, for dam and reservoir purposes for the conservation and storage of water, whenever said city shall have provided compensation as hereinafter specified for all property rights and interests and damages done to Mission Indians located upon the Capitan Grande Indian Reservation: *Provided*, That the lands herein granted shall not be sold, assigned, transferred, or conveyed to any private person, corporation, or association; and in case of any attempt to sell, assign, transfer, or convey, or upon a failure to use and apply said lands exclusively to the purposes herein specified, this grant shall revert to the United

States: *Provided, however,* That proceedings to acquire the 920 acres of additional land granted by this act, as herein amended, by eminent domain of the State of California as authorized by the provisions of this act herein contained, may at the option of the city of San Diego be dispensed with; and if the said city so elects and upon payment by said city as compensation for such lands, rights, interests, and damages of the additional sum of $35,567.20, the Secretary of the Interior of the United States is hereby authorized and directed to issue to said city a patent in fee simple conveying all the rights, titles, and interests of the said Indians and of the United States in and to all of the lands herein above described: *Provided further,* That no provisions of this act and nothing done in carrying out its provisions, as between the United States, said Mission Indians and their grantees, shall in any wise limit or terminate any rights within the Capitan Grande Indian Reservation of any person, persons, or corporations heretofore granted or conveyed under or by authority of the laws of the United States.

"No provisions of this act and nothing done in carrying out its provisions shall have the effect of terminating or limiting the rights of said Capitan Grande Indians or of the United States in or to the lands or in the waters flowing in or along the lands remaining in and forming a part of the Capitan Grande Reservation after the city of San Diego has acquired title to the lands herein granted: *Provided,* That in the event the Indians of the Capitan Grande Reservation, or any of them, are located on additional land or lands purchased by the United States for them and situate within the watershed of the San Diego River, the said Indians or any of them or the United States in their behalf shall have the right to transfer to such additional land or lands, in whole or in part, such water rights as they or the United States possess on the Capitan Grande Indian Reservation, and subject to the conditions hereinafter provided shall have the same right to develop and use a like quantity of water on such additional land or lands as they have heretofore had the right to develop and use within said reservation: *Provided further,* That the total quantity of water developed and used by the said Indians or by the United States in their behalf, including the use continued on the diminished reservation, shall not exceed in the aggregate the total quantity of water which said Indians or the United States in their behalf have heretofore had the right to develop and use within the Capitan Grande Indian Reservation.

"The grant herein to the said city of San Diego is hereby expressly made subject to such rights, which rights shall not be subject to loss by nonuse or abandonment thereof so long as the title to said lands remains in the Indians or in the United States.

"The funds paid and those to be paid by the said city of San Diego as compensation to the Capitan Grande Indians for their lands shall, in addition to the uses in the act of February 28, 1919 (40 Stat. L. 1206–1209), for the removal of said Indians as a tribe, be available also for reestablishing individually or as a group or groups the Capitan Grande Band of Indians, including those residing within the Conejos Valley of the retained reservation, on tract or tracts of land to be acquired by purchase or otherwise for them, and for the acquiring of water rights including cost of transferring in whole or in part their present water rights to such other lands, construction of necessary water works, including the development of a water supply, for domestic and irrigation purposes, purchasing or building homes, purchasing of household furnishings, farm equipment, livestock, and other improvements for the benefit of these Indians under such rules and regulations to be prescribed by the Secretary of the Interior: *Provided,* That those Indians desiring to remain on that part of the Capitan Grande Reservation not disposed of under this act may remain thereon and receive such benefits there."

SEC. 2. Nothing contained in section 1 hereof shall be held, deemed, or construed as affecting, altering, or in any wise changing the rights of the riparian owners under the provisions in the act approved February 28, 1919.

CHANGE OF NAME OF COMMITTEE ON PENSIONS

The resolution (S. Res. 26) changing the name of the Committee on Pensions to the Committee on Veterans' Affairs and defining its jurisdiction was announced as next in order.

Mr. REED. Over.

Mr. BROOKHART. Mr. President, I would like to ask the Senator if he will withhold his objection for a moment. I want to offer an amendment to the resolution.

Mr. REED. I withhold the objection.

Mr. BROOKHART. I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 9, strike out the word "in" and insert in lieu thereof the words "discharged from," so as to make the resolution read:

Resolved, That so much of paragraph 1 of Rule XXV of the Standing Rules of the Senate as reads "Committee on Pensions, to consist of 11 Senators" is amended to read as follows:

"Committee on Veterans' Affairs, to consist of 13 Senators, to which shall be referred all legislation and other matters relating to pensions, Government life insurance, and death or disability compensation, hospitalization, and allowances of persons discharged from the military or naval service of the United States and their beneficiaries, and all legislation and other matters relating to the National Home for Disabled Volunteer Soldiers, and its branches."

Mr. McNARY. Mr. President, the Senator from Connecticut [Mr. BINGHAM] was called from the Chamber on account of some public matters and asked me to object to the consideration of the resolution. I think that should apply to the consideration of the amendment at this time.

The PRESIDENT pro tempore. On objection, the resolution will go over with the amendment proposed by the Senator from Iowa pending.

Mr. BROOKHART. Mr. President, I desire to move that the Senate proceed to the consideration of the resolution.

Mr. McNARY. In that event I shall have to suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

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

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

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present. The question is on agreeing to the motion proposed by the Senator from Iowa. That motion is not debatable.

Mr. BROOKHART. Mr. President, may the resolution on which we are about to vote be reported so that the Senate may understand what it is voting on?

The PRESIDENT pro tempore. The resolution will be reported for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 26) as proposed to be amended.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Iowa to proceed to the consideration of the resolution.

The motion was rejected.

MINING OF POTASH ON PUBLIC DOMAIN

The bill (S. 3953) to amend the act approved February 7, 1927, entitled "An act to promote the mining of potash on the public domain," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act approved February 7, 1927, entitled "An act to promote the mining of potash on the public domain," is hereby amended by adding thereto a section, to be numbered 7, reading as follows:

"SEC. 7. Any prospecting permit issued under this act may be extended by the Secretary of the Interior for a period not exceeding two years, upon a showing of satisfactory cause."

CLOSING OF ALLEYS IN DISTRICT OF COLUMBIA

The bill (S. 3929) to authorize the Commissioners of the District of Columbia to close certain alleys and to set aside land owned by the District of Columbia for alley purposes, was considered. The bill had been reported from the Committee on the District of Columbia, with amendments on page 3, after line 3, to insert a new section, as follows:

SEC. 3. The Commissioners of the District of Columbia shall cause public notice to be given, by advertisement in a newspaper of general circulation in the District of Columbia, of any order to be made by the said commissioners under the authority granted them by the provisions of this act: *Provided,* That such public notice shall be given not less than 30 days prior to the effective

date of such order: *And provided further*, That if any interested property owner affected adversely by such order shall request a public hearing by the said commissioners, within 30 days prior to the effective date of the order, the said commissioners shall grant such hearing.

And on page 3, line 16, to renumber the section, so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to close the alley in square 2740, abutting lots 9 to 14, both inclusive, and extending east from the 16-foot alley in said square; to close the alleys in square 3268 extending south from Sheridan Street to the 20-foot alley running east and west through said square, and to close all that portion of the alley 10 feet wide in square 4541 abutting lots 803 and 804, and extending northerly from Rosedale Street to the 10-foot alley running east and west in said square, the District of Columbia being the owner of all the property abutting on said alleys herein authorized to be closed in said squares 2740, 3268, and 4541; and the said commissioners are further authorized to close any alleys or parts of alleys in the District of Columbia when, in their judgment, such alleys, or parts of alleys, are rendered useless and unnecessary by reason of the acquisition of abutting land for municipal purposes: *Provided*, That the District of Columbia, prior to the closing of any such alley or part of alley, has acquired title to all the land abutting on the alley or part of alley proposed to be closed: *Provided further*, That the title to the land comprised in the alleys or parts of alleys so closed shall revert to the District of Columbia: *And provided further*, That no property owner within the block where such alleys or parts of alleys are closed shall be deprived of the right of access to his property by alleys or parts of alleys, unless adequate access to such property be substituted therefor.

SEC. 2. The Commissioners of the District of Columbia are hereby further authorized to set aside for alley purposes any land owned by the District of Columbia whenever it becomes necessary to provide additional area for alleys by reason of the closing of any alley or part of any alley: *Provided*, That in each case the area set aside for alley purposes shall not exceed the area of the alley or part of alley closed.

SEC. 3. The Commissioners of the District of Columbia shall cause public notice to be given, by advertisement in a newspaper of general circulation in the District of Columbia, of any order to be made by the said commissioners under the authority granted them by the provisions of this act: *Provided*, That such public notice shall be given not less than 30 days prior to the effective date of such order: *And provided further*, That if any interested property owner affected adversely by such order shall request a public hearing by the said commissioners, within 30 days prior to the effective date of the order, the said commissioners shall grant such hearing.

SEC. 4. That any and all necessary maps showing the action taken by the Commissioners of the District of Columbia under the provisions of this act shall be prepared by the surveyor of the District of Columbia, approved by the Commissioners of the District of Columbia, and ordered by said commissioners to be recorded in the office of the surveyor of the District of Columbia.

The amendments were agreed to.

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

WILLIAM S. COOK

The bill (S. 1562) for the relief of William S. Cook was considered. The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 8, after "November," to strike out the numeral "2" and insert "9," so as to read:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, their widows, and dependent relatives, William S. Cook shall be held and considered to have been honorably discharged as a private, Company G, Fifth Regiment United States Infantry, on November 9, 1900: *Provided*, That no pension, pay, bounty, or other 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 for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2687) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes, was announced as next in order.

Mr. REED and Mr. BINGHAM. Over.

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

HOMESTEAD ENTRIES

The bill (S. 2654) to allow credit in connection with homestead entries to widows of persons who served in certain Indian wars was considered. The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 7, after the word "entitled," to strike out "under the provisions of such act to receive credit for military service in connection with a homestead entry or settlement," and to insert in lieu thereof "to make homestead entry or settlement and receive credit in connection therewith for military service under the provisions of such act," so as to make the bill read:

Be it enacted, etc., That the provisions and limitations of the act entitled "An act to allow credit to homestead settlers and entrymen for military service in certain Indian wars," approved April 7, 1930, are hereby extended to the widow of any person who would be entitled to make homestead entry or settlement and receive credit in connection therewith for military service under the provisions of such act, if such widow is unmarried and otherwise qualified to make entry of public lands under the provisions of the homestead laws of the United States and has heretofore made or shall hereafter make such entry: *Provided*, That in the event of the death of any such widow prior to perfection of title, leaving only a minor child or children, patent shall issue to the said minor child or children upon proof of death, and of the minority of the child or children, without further showing or compliance with law.

The amendment was agreed to.

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

TAKING OF LANDS FOR HIGHWAY PURPOSES

The bill (S. 3852) to amend section 2288 of the Revised Statutes, as amended, with respect to the taking for highway purposes of lands entered upon under the homestead laws was considered. The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 5, after the word "following," to strike out "new sentence: 'Any portion of the claim of any such settler may be condemned for highway purposes under the laws of the State or Territory where such land is located, in the same manner as land owned in fee in such State or Territory may be condemned for such purposes, and the amount of compensation awarded pursuant to the condemnation proceedings shall be paid to the Commissioner of the General Land Office to be held by him for payment to the settler to whom patent is issued upon final action being taken on such claim, or to the United States in the event that final proof is not made on the claim and no patent is issued; and the United States shall be a necessary party to any such condemnation proceedings.'"

And to insert in lieu thereof "Any portion of the claim or entry of such settler may be condemned for highway purposes under the laws of the State or Territory where such land is located: *Provided*, That such condemnation proceedings shall not affect the rights or property of the United States in any manner whatsoever, but shall be effective against the settler to the extent of his interest in the land condemned: *Provided further*, That the amount of compensation awarded pursuant to such condemnation proceedings shall be paid to the Commissioner of the General Land Office to be held by him for payment to the settler or entryman to whom patent is issued on such claim or entry, after final action has been taken under the public land laws: *And provided further*, That if final proof is not made by the claimant, or in case the entry is canceled, the said commissioner shall cause the money received by him for such compensation to be covered into the Treasury of the United States."

So as to make the bill read:

Be it enacted, etc., That section 2288 of the Revised Statutes, as amended, is amended (a) by inserting after the word "railroads" a comma and the word "highways"; and (b) by adding at the end thereof the following: "Any portion of the claim or entry of such settler may be condemned for highway purposes under the laws of the State or Territory where such land is located: *Provided*—

And so forth.

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 to amend section 2288 of the Revised Statutes, as amended, with

respect to the taking for highway purposes of lands entered upon under the homestead or preemption laws."

NATIONAL SOCIETY, COLONIAL DAMES OF AMERICA

The bill (S. 570) to exempt from taxation certain property of the National Society of Colonial Dames of America in the District of Columbia, was considered. The bill had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That certain property in the District of Columbia described as lot 801, in square 1285, together with the improvements thereon, known as premises No. 2715 Q Street NW., and the furnishings therein, owned by the National Society of the Colonial Dames of America Corporation, a corporation organized and existing under the laws of the District of Columbia, be exempt from taxation, national and municipal, so long as the same is used for nonprofit purposes by the National Society of the Colonial Dames of America, an unincorporated society.

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 to exempt from taxation certain property used by the National Society of the Colonial Dames of America, in the District of Columbia."

ISSUANCE OF BONDS BY ST. THOMAS HARBOR BOARD, VIRGIN ISLANDS

The bill (S. 4193) to authorize the issuance of bonds by the St. Thomas Harbor Board, Virgin Islands, for the acquisition or construction of a graving or dry dock, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purpose of acquiring and installing or building a dry dock or graving dock in the harbor of St. Thomas, Krum Bay, Virgin Islands, or in Gregerie Channel adjacent to such harbor, the St. Thomas Harbor Board, a municipal institution, is authorized, subject to the approval of the Secretary of the Interior, to issue registered or coupon bonds in any sum not to exceed $150,000. Such bonds shall be sold at not less than their par value with accrued interest, shall bear interest at a rate not to exceed 6 per cent per annum, and shall be payable in gold coin of the United States at such place or places as shall be designated by such board in the bonds. Such bonds shall be issued in serial form maturing in substantially equal annual installments, the first installment to mature not later than 5 years from the date of the issue of such series, and the last installment not later than 30 years from the date of such issue, except that said board may reserve the right to pay off such bonds in their numerical order at the rate of $20,000 or less per annum from and after the expiration of four years from their date of issue.

ROLANDO B. MOFFETT

The bill (S. 3577) for the relief of Rolando B. Moffett was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Rolando B. Moffett, who was a member of Company H, 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 member of that organization on the 30th day of September, 1880: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

THOMAS E. REED

The Senate proceeded to consider the bill (S. 4190) for the relief of Thomas E. Reed, which had been reported from the Committee on Military Affairs with an amendment on page 2, line 1, after the word "the," to strike out "13th day of November, 1899" and insert "12th day of February, 1900," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas E. Reed, otherwise known as Thomas Griffiths, who was a member of Company I, Twenty-sixth Regiment United States 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 February, 1900: *Provided*, 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 for a third reading, read the third time, and passed.

BASIL N. HENRY

The Senate proceeded to consider the bill (H. R. 1029) for the relief of Basil N. Henry, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 10, after the word "no," to strike out "pension, bounty, back pay, or allowances" and to insert "compensation, retirement pay, back pay, pension, or other benefit," so as to make the bill read:

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 compensation, retirement pay, back pay, pension, or other benefit shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

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

The bill was read the third time and passed.

ADDITIONAL FACILITIES FOR INTERMEDIATE CREDIT BANKS

Mr. STEIWER. Mr. President, earlier in the day on objection the Senate passed over Order of Business 602, being the bill (S. 2409) to amend Title II of the Federal farm loan act in regard to Federal intermediate credit banks, and for other purposes. I ask unanimous consent at this time that the Senate may recur to that bill and that it may be now considered.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBINSON of Arkansas. Mr. President, before proceeding with the consideration of the bill may we have an explanation of the changes it proposes to make in the existing law?

Mr. STEIWER. I shall be very glad to make an explanation.

This bill was introduced by the chairman of the Committee on Banking and Currency [Mr. NORBECK] at the request of the Federal Farm Loan Board. Hearings were held upon the bill by a subcommittee, of which I had the honor to be chairman. Those hearings disclosed that intermediate credit banks at this time have considerable difficulty in placing their debentures upon a favorable basis; indeed, in recent times it has been necessary to resort to the Reconstruction Finance Corporation in order to find ample and abundant funds for the use of farmers borrowing from the intermediate credit banks. The bill is supported by the Federal Farm Loan Board, by the Treasury Department, and also by the Federal Reserve Board. It is likewise supported by the National Grange, the American Farm Bureau Federation, the Farmers' Union, and various other groups.

The chief purpose of the bill is to give to the intermediate credit banks the additional facility of acquiring funds through the Federal reserve system. It permits the debentures of the intermediate credit banks to be discounted with the Federal reserve system. The bill will result, if enacted, in a lowering of rates of interest—I can not tell the Senator the exact amount of saving in interest rates—but it will lower the cost of obtaining money; that is, the rate upon the debentures which is paid intermediate credit banks will be lowered in an amount which is estimated as being from 1 to 1½ per cent. That saving in interest ought to be, and I think will be, translated back to the borrowers from the system.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Oregon yield to me?

Mr. STEIWER. Of course.

Mr. ROBINSON of Arkansas. Is the report of the committee unanimous on the bill?

Mr. STEIWER. Yes.

Mr. ROBINSON of Arkansas. Mr. President, I am impressed that the Senator in his statement has justified the

provisions of the bill. I have no objection to its consideration.

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 202 (a) of Title II of the Federal farm loan act, as amended (U. S. C., title 12, ch. 8, sec. 1031), is hereby amended by substituting a semicolon for the period at the end of clause (3) and adding thereto the following new matter: "and to accept drafts or bills of exchange issued or drawn by any such association when secured by warehouse receipts and/or shipping documents covering staple agricultural products as herein provided."

SEC. 2. Section 205 of Title II of the Federal farm loan act, as amended (U. S. C., title 12, ch. 8, sec. 1061), is hereby amended by adding at the end thereof the following new matter: "In the event that there shall be an impairment of the paid-in capital of any Federal intermediate credit bank, the Farm Loan Board, at such time or times as it deems advisable, may determine and assess the amount thereof against the other Federal intermediate credit banks on such equitable basis of apportionment as it shall prescribe. Each bank against which such an assessment is made shall, out of its surplus and/or to an extent up to 50 per cent of its net earnings, in accordance with the terms of such assessment, pay the amount thereof as soon as possible to the bank having the impairment. In such event payments into the surplus fund and payments of the franchise tax prescribed by this chapter shall be determined on the basis of the net earnings remaining after providing for the payment of any such assessment."

SEC. 3. Section 206 (b) of Title II of the Federal farm loan act, as amended (U. S. C., title 12, ch. 8, sec. 1072), is hereby amended (effective January 1, 1932) by striking out the first two sentences of said section and substituting therefor the following new matter: "After all necessary expenses of a Federal intermediate credit bank have been paid or provided for, the net earnings shall be paid into a surplus fund until it shall amount to 100 per cent of the subscribed capital stock of such bank, and thereafter 50 per cent of such earnings shall be paid into the surplus. Whenever the surplus thus paid in shall have been impaired it shall be fully restored before payment of the franchise tax herein prescribed. After the aforesaid requirements of this section have been fully met and, except as otherwise provided in this act, 50 per cent of the net earnings shall be paid to the United States as a franchise tax."

SEC. 4. Section 207 of Title II of the Federal farm loan act, as amended (U. S. C., title 12, ch. 8, sec. 1081), is hereby amended by striking out the period at the end thereof and substituting a colon together with a proviso as follows: "*Provided*, That in view of the liability of all Federal intermediate credit banks for the debentures and other such obligations of each bank under this act, the banks shall, in accordance with rules, regulations, and orders of the Federal Farm Loan Board, enter into adequate agreements and arrangements among themselves by which funds shall be transferred and/or made available from time to time for the payment of all such debentures and other such obligations and the interest thereon when due in accordance with the terms thereof."

SEC. 5. The second paragraph of section 13 (a) of the Federal reserve act, as amended (U. S. C., title 12, ch. 3, sec. 349), is hereby amended by adding thereto a new sentence as follows: "Any Federal reserve bank may also, subject to regulations and limitations to be prescribed by the Federal Reserve Board, discount notes payable to and bearing the indorsement of any Federal intermediate credit bank, covering loans or advances made by such bank pursuant to the provisions of section 202 (a) of Title II of the Federal farm loan act, as amended (U. S. C., title 12, ch. 8, sec. 1031), which have maturities at the time of discount of not more than nine months, exclusive of days of grace, and which are secured by notes, drafts, or bills of exchange eligible for rediscount by Federal reserve banks."

SEC. 6. The seventh paragraph of section 13 of the Federal reserve act, as amended (U. S. C., title 12, ch. 3, sec. 347), is hereby amended by changing the period at the end thereof to a comma and adding thereto the words "or by the deposit or pledge of debentures or other such obligations of Federal intermediate credit banks which are eligible for purchase by Federal reserve banks under section 13 (a) of this act."

The PRESIDENT pro tempore. That completes the calendar.

LOANS ON ADJUSTED-SERVICE CERTIFICATES

Mr. BARKLEY. Mr. President, I ask unanimous consent to recur to Order of Business 510, being the bill (S. 1251) relating to the making of loans to veterans upon their adjusted-service certificates. I understand the Senator from Connecticut [Mr. BINGHAM] objected to the consideration of the bill when it was called.

The PRESIDENT pro tempore. Is there objection?

Mr. BINGHAM. Mr. President, may I say that the bill if enacted would cost some $70,000,000, and it seems to me that it can not be passed in just a few moments during the morning hour.

The PRESIDENT pro tempore. Objection is made.

FALSE ADVERTISING—ADDRESS BY JAMES A. HORTON

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent that an address on the False Advertising Problem and the Powers of the Federal Trade Commission with Respect Thereto, delivered before the Advertising Club of New York on April 14, by James A. Horton, assistant chief examiner of the Federal Trade Commission, may be inserted in the RECORD.

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

It is a pleasing experience to meet with the members of the Advertising Club of New York, and in coming before you I am impressed by the realization that we have much in common. While we may approach our respective problems from distinctly different angles, I feel, however, that our ultimate goal in many respects is the same.

May I depart from the accepted order and, like the minister who bases his sermon on a text from the Scriptures, take as my text a quotation from an article appearing in a publication devoted to the interests of the fourth estate. However, in so doing, I assure you that I am not going to deliver a sermon. The text to which I refer is as follows:

"Advertising is by far too valuable an instrument in modern commerce to permit of the vandal practices of the exceptional merchant or distributor who suppresses his conscience to make temporary gains at the expense of the public."

With this thought in mind I would first like to discuss the work of the Federal Trade Commission, particularly in relation to advertising matters in which you are vitally interested, as its regulatory activities and the conditions and circumstances under which its corrective powers are applied may have and often do have a positive and determinative influence on the manner in which you conduct your respective businesses.

The commission is an independent establishment of the Government, the control of which is lodged in five commissioners appointed by the President. The act creating the commission declares in section 5 "that unfair methods of competition in commerce are hereby declared unlawful," the commission being "empowered and directed to prevent persons, partnerships, or corporations * * * from using unfair methods of competition in commerce." The act authorizes the commission, whenever it has reason to believe that any person, partnership, or corporation has been or is using unfair methods of competition in commerce, provided it appears that a proceeding in respect thereof would be in the public interest, to institute a proceeding by complaint against such party. The commission, after a hearing and on proper showing, may issue its order requiring the party to cease and desist from the unlawful methods. The function of the commission is remedial, no authority being vested in it to impose penalties. The commission is given discretion in determining in the first instance what constitutes an unfair method of competition, and its findings as to the facts, if supported by testimony, are conclusive.

I wish to assure you at this juncture that the commission in its activities is not in any sense attempting to exercise the power of censorship, and that it emphatically does not desire any such power. Neither is the commission attempting to arbitrarily impose its views or desires on the advertiser, as this would constitute a bureaucratic interference with business, repugnant indeed to salutary and free competition, and wholly undesirable alike to the public and to business.

There is, however, as I view it, the need for impartial governmental regulation, and in this impartial spirit the commission does assert its proper jurisdictional powers in every case, and to require in those cases involving the use of advertisements that such advertisements be true in substance. Therefore, whenever the necessity arises, the commission should and will exercise its remedial powers to the fullest extent, in order to protect the public, as well as the honest competitor, and thus through the proper and wise, but forceful application of its remedial powers, enable business to function toward its highest development.

The commission proceeds in cases of false and misleading advertising on the theory that such practices constitute unfair methods of competition, and as this term is not defined in the statute it is perhaps desirable to ascertain the meaning of this term as defined by the courts.

The Supreme Court as early as 1920 in a leading case stated that—

"The words 'unfair methods of competition' are not defined by the statute, and their exact meaning is in dispute. It is for the courts, not the commission, ultimately to determine as matter of law what they include. They are clearly inapplicable to practices never heretofore regarded as opposed to good morals because characterized by deception, bad faith, fraud, or oppression, or as against public policy because of their dangerous tendency to unduly hinder competition or create monopoly." * * *

The court, speaking in another case, stated:

"In the nature of things it was impossible to describe and define in advance just what constituted unfair competition, and in the final analysis it became a question of law, after the facts

were ascertained, whether such facts constitute unfair competition in business, for the test of fairness, as of fraud, is the application by the law of moral standard to the actions of men."

It became apparent, then, after consideration of the language of the court in these cases that business practices opposed to good morals, because characterized by deception, bad faith, or fraud, amount to unfair methods of competition over which the commission clearly has jurisdiction in any case of false, fraudulent, deceptive, or misleading advertisements used to exploit in interstate commerce a business founded on such deception, bad faith, or fraud.

It is well, perhaps, to illustrate this by reference to a few selected cases defining the powers and jurisdiction of the commission. You will recall that section 5 of the act does not define any standard of conduct for the guidance of the commission, so we must look to the decisions of the various courts.

In the Winsted Hosiery case the Supreme Court, in reversing the circuit court of appeals, held it to be an unfair method of competition for the Winsted company to use the word "wool" in connection with the sale of knit goods composed of wool and cotton, and the circuit court of appeals, in affirming the commission's cease and desist order in the Royal Baking Powder case, stated:

"The reversal of the case (Federal Trade Commission *v.* Winsted Hosiery Co.) by the Supreme Court has established the principle that advertisements which are false in fact constitute an unfair method of competition, although it was one commonly practiced and not intended to mislead the trade. The labeling of commodities in such a way as to deceive the public is an unfair method of competition."

The commission in this case found that the respondent was using false and misleading labeling and advertising, which was calculated and designed to deceive the purchasing public and that the method of branding and advertising also tended unfairly to hinder and obstruct the business of respondent's competitors. The concluding sentence of the court's opinion is forceful and expressive:

"The purpose of the Congress in creating the Federal Trade Commission was aimed at just such dishonest practices, and business concerns that resort to dishonest devices of this nature must understand that they can not add to their revenues or maintain their business standing by methods of competition which the law brands as 'unfair' and therefore unlawful."

In the Guarantee Veterinary Co. case the testimony showed that the respondent had published advertising matter containing false and misleading statements, and analysis of respondent's product showed it lacked 10 of the 16 ingredients stated in its advertisements. The court, in affirming the commission's order, stated:

"The testimony shows conclusively that the petitioners had been publishing advertising matter containing false and misleading statements and had used an unfair method of commerce, and we think the commission was quite within its right in issuing the order in the form it did. In such cases the commission must exercise its discretion in view of all the circumstances."

The purpose of the law in this respect is well defined in the language of the court in a leading case when it stated that—

"The law is not made for the protection of experts but for the public—that vast multitude which includes the ignorant, the unthinking, and the credulous who, in making purposes, do not stop to analyze but are governed by appearances and general impressions."

The query propounded by the court in a recent unfair competition case is distinctly pertinent to and emphasizes the proposition of law just announced and in my opinion carries it to a logical conclusion.

"Why should a vendor be able to collect from a purchaser, as a part of the purchase price, money which has been spent in an effort to mislead that very purchaser in making that very purchase?"

The order of the commission was challenged by the respondent in a recent case in which the use of false and misleading advertising was alleged; and the Circuit Court of Appeals for the Seventh Circuit, in affirming the order to cease and desist, held that the following propositions of law fully supported the ruling of the commission:

"False and misleading representations resulting in deception of the public are matter of public interest which the commission has power to prevent.

"The commission's jurisdiction is not limited to practices which tend to create a monopoly but embrace false and fraudulent advertising, misbranding, and other practices which result in deceiving the public. Such practices injure competitors who do not use them."

"Practices opposed to good morals because characterized by deception, bad faith, fraud, and oppression are unfair methods of competition."

The courts, practically without exception, have placed the seal of their condemnation on all businesses based upon deception or fraud of the public, and the commission, in the exercise of its discretionary powers, is guided by established principles of law and equity as defined by the courts, and the powers of the commission with respect to this class of cases have been generally upheld.

The recent decision of the Supreme Court in the so-called Raladam case appears to have created some misunderstanding with respect to the jurisdiction and power of the commission, and I wish to make brief reference to that decision in order to present to you its salient points.

The commission, in substance, ordered the respondent "to cease and desist from representing that its preparation is a scientific method for treating obesity, is the result of scientific research, or that the formula is a scientific formula; and from representing its preparation as a remedy for obesity, unless accompanied by the statement that it can not be taken safely except under medical advice and direction." The court in its consideration of the case stated that:

"Findings, supported by evidence, warrant the conclusion that the preparation is one which can not be used generally with safety to physical health except under medical direction and advice. If the necessity of protecting the public against dangerously misleading advertisements of a remedy sold in interstate commerce were all that is necessary to give the commission jurisdiction, the order could not successfully be assailed. But that is not all."

The court then expressed the view that—

"The power of the commission to take steps looking to the issue of an order to desist depends upon the existence of three distinct prerequisites: (1) That the methods complained of are unfair; (2) that they are methods of competition in commerce; and (3) that a proceeding by the commission to prevent the use of the methods appears to be in the interest of the public"—

and having assumed the existence of the first and third requisites, held that:

"It is obvious that the word 'competition' imports the existence of present or potential competitors, and the unfair methods must be such as injuriously affect or tend thus to affect the business of these competitors—that is to say, the trader whose methods are assailed as unfair must have present or potential rivals in trade whose business will be, or is likely to be, lessened or otherwise injured."

Its effect is simply to place on the commission the burden of proving competition and that the practices of respondent substantially injure or tend to injure the business of competitors. You may, therefore, be assured that the commission is proceeding vigorously in that "impartial spirit" to enforce the law in relation to false, misleading, and fraudulent advertising, thus affording protection to competitors as well as the public.

The commission, acting in the public interest, has adopted several methods for the prevention and elimination of unfair practices which are injurious to the public and to competitors, the principal method being that of procedure by formal complaint, charging a named respondent with violation of the law.

The commission had pending as of June 30, 1931, 225 formal complaints, of which number, 110 involved false, misleading, and fraudulent advertising, misbranding, and misrepresentation in the advertisement and sale of various products.

The commission, in addition to its statutory procedure by formal complaint, has adopted the policy of settling cases by stipulation between the commission and proposed respondent. This practice expedites the settlement of cases and is followed in those cases where the respondent expresses a desire to cooperate with the commission and voluntarily cease and desist from the alleged unfair practices. This procedure avoids the time and expense of litigation and accomplishes within a comparatively short time the cessation of unfair practices. It is in the nature of a privilege extended a respondent and is entirely within the discretion of the commission. These stipulations are drawn to conform to the decisions of the courts, and, in the absence of such decisions, to conform to precedents and rulings established by the commission.

The privilege of settling a case by stipulation, however, is not extended to those respondents whose businesses or practices are fraudulent, it being the opinion of the commission that the protection of the public and competitors demands the statutory procedure by formal complaint and public order to cease and desist. The commission, after deleting the name of a respondent, issues a statement of the facts and a description of the acts deemed to be unfair, this publicity being in the nature of a guide to the business world and to the public. At the close of the last fiscal year some 837 stipulations had been approved and accepted by the commission, of which number more than 600 involved false and misleading advertising, misbranding, or misrepresentation.

The commission has recently created a body known as the special board of investigation to handle certain types of cases based on alleged false and misleading advertising appearing in newspapers, magazines, and periodicals. In this class of cases the commission usually directs that the publisher and advertising agency be joined as parties respondent in the complaint against the advertiser, but affords the agency or publisher opportunity to avoid being thus joined by stipulating to abide the result of the proceedings against the advertiser.

The advertiser is granted a hearing and is offered an opportunity to stipulate that it will cease the unfair practices. The board, as of June 30, 1931, had effected 119 such stipulations and had pending 408 cases.

I have been requested to cite you some typical examples of false and misleading advertising and show wherein the advertisement offends, but before doing this I would like to make some brief observations with respect thereto.

The rule of construction applied to a false and misleading advertisement considers the advertisement in its entirety, the question of whether any particular statement is true or otherwise not being the pertinent question; the really pertinent question is whether the advertisement as a whole is calculated to deceive.

The impression seems to exist among many advertisers that even where the contact advertisement is false and misleading, if full disclosure is made before the sale is consummated, the

illegality of the original advertisement is cured. The purpose of advertising I may state is simply to enable the vendor to form contact with the prospective purchaser and open up negotiations. When that has been done, advertising has served its purpose and that which remains constitutes salesmanship.

As stated by the Supreme Court, "Advertising is merely identification and description, apprising of quality and place. It has no other object than to draw attention to the article to be sold, and the acquisition of the article to be sold constitutes the only inducement to its purchase." Therefore, if the vendor by means of false and misleading advertising forms contact with a prospective purchaser, he may be guilty of unfair competition even though he discloses the truth to the purchaser before the sale is consummated. Disclosure of the truth at such time is no defense. The reason for this is quite simple. The mere fact that the advertiser has formed this contact gives to the advertiser an unfair competitive advantage over his competitor when the contact has been established by statements or representations false and misleading in character.

I deem it important to call to your attention that as stated by the court:

"A method of competition, inherently unfair, does not cease to be unfair because the falsity of the manufacturer's representation has become so well known to the trade that dealers, as distinguished from consumers, are no longer deceived. The honest manufacturer's business may suffer, not merely through a competitor's deceiving his direct customer, the retailer, but also through the competitor's putting into the hands of the retailer an unlawful instrument, which enables the retailer to increase his own sales of the dishonest goods, thereby lessening the market for the honest product."

From which it logically follows that a person who furnishes another with the means of consummating a fraud is a wrongdoer and may be held liable under the law of unfair competition.

DISCUSSION OF SPECIFIC CASES

It may be stated that with very few exceptions there is no known cure for disease and that, generally speaking, nature, assisted by proper medication, diet, etc., is the effective agent in restoring normal health. Advertising matter, therefore, dealing with drug products must not contain any false statement of curative or therapeutic effect.

The commission, in this phase of its activities, necessarily works in close cooperation with the Food and Drug Administration of the Department of Agriculture. The food and drugs act, however, applies only to false and fraudulent statements dealing with the curative or therapeutic effect of drugs when these statements appear on or are contained in the package or label. It does not concern itself with the collateral advertisement of such products in newspapers, magazines, and periodicals. It is necessary to prove, in cases of misbranding arising under the food and drugs act, first, "that the label, carton, or circular carries some statement, design, or device regarding the contents of the package or the ingredients in the mixture which is false and misleading in some particular; and, second, that the statement made or the design or device carried on the label or carton or in the circular regarding the curative or therapeutic effects of the same are false and fraudulent." It therefore becomes apparent that even though the labeling of a drug product conforms to the requirements of the food and drugs act it may yet be represented in a false, misleading, or fraudulent manner with respect to its curative or therapeutic effects in collateral advertising matter.

There is developing a rule of law to the effect that a manufacturer of a proprietary remedy, drug, or food product advertised and sold in interstate commerce whose labeling comes within the jurisdiction of the Food and Drug Administration may not in his collateral advertising extend his claims beyond those to which he is legally entitled under the food and drugs act. This simply means that where a proprietary remedy, for instance, is misrepresented in the advertising literature of the manufacturer or vendor apart from the package or label, the commission is clearly warranted in taking corrective action against such false, misleading, or fraudulent advertising matter. No one can dispute the assertion that the health and well-being of the public is of fundamental importance; and as this class of merchandise is sold primarily through the medium of advertising, it becomes the duty of the commission to prevent the dissemination of false, misleading, and fraudulent statements in collateral advertisements when these statements and representations directly affect the health of the public.

Within the past few years we have witnessed the development of paid-testimonial advertising and its use in fields hitherto undreamed of, producing a situation in the field of advertising that is fraught with grave possibilities. This type of advertising has received the condemnation of the commission, and in cases involving its use it has been held that the advertisement must disclose on its face that a consideration has been given for its use.

The commission has issued a number of complaints, charging the use of unfair methods of competition based on the publication by respondents of advertisements featuring testimonials or indorsements from various persons, allegedly obtained and consent for their use secured by the payment of money or other valuable consideration. I will set out for your information the basis for this action in a typical complaint issued by the commission.

"The methods of advertising used by respondent have had, and do have, the capacity and tendency to confuse, mislead, and deceive members of the public into the belief that such indorsements or testimonials are freely and voluntarily given without inducement and without any consideration whatsoever, and that they express the unbiased and disinterested opinions of such indorsers. Said methods have the tendency and capacity to confuse, mislead, and deceive members of the public by producing an unwarranted and exaggerated idea of the merits of such indorsements, which they would not have if it were stated in conjunction therewith that such indorsers received money or other valuable considerations for giving the same and for permitting their use commercially. Said act, practices, representations, and methods used by respondent have the capacity and tendency to induce members of the public to purchase and use said * * *, because of the erroneous beliefs engendered as above set forth, and to divert trade to respondent from competitors engaged in the sale of * * * in interstate commerce."

An order of the commission to cease and desist from this practice has been challenged; and as the case is now pending in the United States circuit court of appeals, I must necessarily refrain from further discussion of this subject, at least in its legal aspect.

It impresses me, however, purely from the attitude of good business that if advertisements are based on the portrayal of the intrinsic worth of the article as a quality product, and the advertiser refrains from capitalizing the prestige of movie actresses and other celebrities, and trading on their reputations, he will create for his business more tangible value and lasting good will that will exist for generations after the fame of these celebrities has been forgotten.

I realize possibly there is some news value in this method of advertising, but it is my strong belief that the public will seriously question not only the ethics of this method but the merits of the product thus advertised. It is perhaps unnecessary for me to remind you that once you destroy the faith of the American people in the honesty and truthfulness of advertising, you destroy at the same time your most valuable asset. I want to impress on you in all sincerity not only the desirability but the absolute necessity of adopting and rigidly adhering to the policy of honesty in advertising—a policy that you may be assured will create for you that most valuable of all business assets—good will. The truth of this statement may be further impressed on you when I remind you that the courts have explicitly stated that "the money invested in advertising is as much a part of the business as if invested in buildings or machinery," and the courts will protect the good will of a business that is created not only because of the worth of the product but also by reason of the "ingenious, attractive, and persistent manner in which they have been advertised."

A former president of your organization, Mr. Gilbert T. Hodges, with keen foresight has stated that "the biggest job * * * is to build greater respect and confidence in advertising. We must educate the consumer to believe that advertising is a guaranty of quality." Apropos of this same thought and projecting it still further I had occasion to state in a recent address that "As it was found necessary to enact the food and drugs act in order to secure the purity of foods and drugs and thus protect the health of the public, so will, in my opinion, the continuation of false, deceptive, and fraudulent practices in the advertisement and sale of these products result in the enactment of additional regulatory legislation which will make your problems increasingly difficult, but will give to the public adequate protection."

I do not, of course, claim any power of prophecy in this respect; but for your information and consideration, permit me to read some excerpts from a bill introduced in the Senate last January by Senator DAVID I. WALSH, of Massachusetts, dealing in part with the subject we have been discussing. In referring to "unfair methods of competition" and "unfair trade practices," the bill provides, in part, that—

"These terms also specifically include all acts of every kind and nature which might tend to mislead or deceive competitors, the public, or the ultimate consumer, such as misstatements, express or implied, oral or written, whether contained in letters, circulars, advertisements, or on labels, containers, or otherwise, as to the quality, purity, or condition of the goods offered for sale; * * * or as to the nature, character or identity or relative or effective quantity of the raw materials or ingredients or the process or conditions entering into the manufacture or production thereof; * * * or as to the purpose for which the same may be used; or as to the use to which the same may be applied; or as to the effect produced by the use thereof; or as to the tests, indorsements, or certification thereof by others; or as to the voluntary nature of paid testimonials not clearly designated as having been paid for; * * *."

I refrain from commenting on these provisions except to state that they reflect an aroused, enlightened public opinion that will ultimately prevail; that will insist on the creation of an effective method of regulation or control of advertising, engendered in part by the belief that, as advertising affects the health, well-being, and economic prosperity of our Nation, the public is entitled to protection against false, misleading, and fraudulent representations or inducements in the appeal of the advertiser. This will be accomplished, in my opinion, either through legislation or by voluntary action on the part of those primarily interested.

In this connection I have been impressed by the movement, current in your ranks, seeking a national conference on advertising and selling, for the purpose of formulating a code of standards and practices, and to devise a method of enforcement. I believe it to be a highly commendable project. Properly organized and effectively controlled, it may be the agency that will, with sincere cooperation, compel the cessation of those "vandal practices" which are bringing advertising into general disrepute. Likewise,

the necessity for strict governmental regulation may be avoided to a great extent when business takes the initiative in establishing self-government, formulating its own rules of business conduct and, in cooperation with the Government, achieve the voluntary elimination of those practices deemed illegal, unfair, or unethical. This principle of self-regulation in business has met with general approval and because of the benefits to be derived therefrom merits your most serious consideration. I am inclined to believe that a plan of this kind wisely directed by those who possess a sympathetic understanding of your problems, working in cooperation with your Government, will maintain high ethical standards in the advertising profession and assist materially in the reestablishment of the confidence of the public in the honesty, sincerity, and integrity of advertising—properly termed the great motive force in our commercial life.

ALABAMA SENATORIAL CONTEST

Mr. McNARY. I ask unanimous consent that the Senate resume the consideration of Senate Resolution 199.

The VICE PRESIDENT. Is there objection?

There being no objection the Senate resumed the consideration of the resolution (S. Res. 199), reported by Mr. GEORGE and Mr. BRATTON from the Committee on Privileges and Elections, as follows:

Resolved, That JOHN H. BANKHEAD is hereby declared to be a duly elected Senator of the United States from the State of Alabama for the term of six years, commencing on the 4th day of March, 1931, and is entitled to a seat as such.

Mr. BLAINE obtained the floor.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Wisconsin yield to me to suggest the absence of a quorum?

Mr. BLAINE. I yield.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

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

Mr. AUSTIN. I desire to state that the junior Senator from New Jersey [Mr. BARBOUR] is absent on the business of the Senate, and will be absent all day.

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

Mr. BLAINE. Mr. President, as I understand this contest, there is no charge that there was a corrupt use of money either in the primary or in the election in Alabama in 1930. There is no charge that there was any excessive use of money either in the primary or in the election, nor that there was any fraud committed through the use of money either in the primary or in the election. There is no charge and no evidence that Senator Bankhead was in any way directly or indirectly or remotely connected with the alleged errors and omissions on the part of election officers as charged in the primary or the election in Alabama.

The primary election law has become so closely associated and intimately connected with the general election that it may well be said that it is a part and parcel of the election machinery in this country.

The primary election law, therefore, has become a fixed policy, and the system has developed within the last quarter of a century with a view of accommodating the electors of the respective States, that they might have as full and free privilege in directing the affairs of the respective parties to which they may belong as the several States provide.

Mr. President, I have a predilection, therefore, in favor of a primary system that affords the greatest opportunity, the greatest freedom of expression that may possibly be conferred upon citizens of the respective States. I think that a free and open primary promotes good government, promotes responsive government, and is altogether essential in the conduct of our democracy, using the expression—hackneyed, perhaps—that the cure for democracy is more democracy; and the primary election system is designed to afford that greater measure of democracy.

Following that general conception of the purpose of the primary election, the several States have set up their particular methods for the nomination of candidates for public office by direct vote of the people. Therein lies the jurisdiction respecting a primary system. It is a matter for the several States to determine in their own way what system the States may adopt, what restrictions and regulations the States may initiate, respecting the primary election. Therefore, I dismiss from consideration my own feeling respecting the particular kind of primary election law set up in the State of Alabama.

This is not the forum where I would choose to discuss the merits or demerits of Alabama's election law. I had this conception of the situation early in the hearing of this contest; and I suggested to one of the gentlemen interested that so far as the primary election law of Alabama was concerned, he was appealing in the wrong forum; that his appeal should be made to the people of the State of Alabama.

There the question of what kind of a law should be enacted could be determined, what restrictions should be established, what regulations should be enacted into law within that jurisdiction. That was the proper place for the determination of the question of the particular form of a direct nominating system.

However, Mr. President, I also hold to the proposition that the Senate of the United States has the constitutional power to pass upon that question and other questions relating to the form of elections when a citizen of a State is certified as the person elected to a seat in the United States Senate. The power of the Senate, of course, is supreme. It can investigate the conduct of candidates in the primary and it can, of course, investigate the conduct of candidates in the election for the purpose of arriving at a decision as to whether or not the person is a fit person to sit in the Senate of the United States. It can investigate the question of the excessive use of money and corruption in a primary on the part of the successful candidate in that primary who afterwards became the successful candidate in the election, whenever such person raps at the door of the United States Senate for admission. There is no doubt about the power of the Senate in this regard.

However, I also perceive the general rule to be that the Senate will not arbitrarily deny a seat to a representative of a sovereign State; that the Senate has no precedent, as I view the situation, where it has exercised arbitrarily its unlimited power to remove a Member of the United States Senate, or to declare his seat vacant.

But, Mr. President, in this particular contest none of those questions respecting the excessive use of money or the corrupt use of money has been raised; and, of course, such questions could not have been raised if we take the testimony that has been taken by the committee which investigated the election in Alabama in 1930.

I am not going to engage in any academic discussion of the power of the Senate in this respect; but I shall go to the direct question of whether or not the primary held in Alabama in 1930 was a valid primary, and whether or not the election following that primary was a valid election. I shall approach this proposition from a somewhat different angle than has been presented, and I shall call attention to the provisions of the Code of Alabama to justify my position.

In the State of Alabama, under the constitution of that State, no party is required to hold a primary election. That is, the State of Alabama by its constitution has declared that a party primary shall not be compulsory. By the same con-

stitution it is provided, however, that whenever a party chooses to select its nominee by direct vote of the people under the primary system, the primary may and can be regulated by the sovereign power of the State, the State legislature. So the State of Alabama has set up a system of laws respecting the conduct of primary elections; and I desire to point out in this connection that these primaries held in the State of Alabama are party primaries, so characterized and so designated in the general discussion of the subject. The party has certain control over the primaries, no matter what party it may be.

The State of Alabama has defined what is a party. I desire to quote the Alabama Code, so that the discussion in which I am engaged, if the debate is read by any one, may have continuity of thought, and afford an opportunity for an intelligent appreciation of what the law and the facts are.

Under the Code of Alabama a political party is defined by section 602 as follows:

> An assemblage or organization of electors which at the general election for State and county officers then next preceding the primary, cast more than 25 per cent of the entire vote cast in any county, is hereby declared to be a political party within the meaning of this chapter within such county; and an assemblage or organization of electors which at the general election for State officers then next preceding the primary cast more than 25 per cent of the entire vote cast in the State is declared to be a political party within the meaning of this chapter for such State.

So the party consists of an assemblage or organization of electors. They constitute the party.

The statute of Alabama does not undertake to define the qualifications of the members of that assemblage or the members of the organization of electors which cast the 25 per cent of the votes. It has no reference to what qualifications shall be imposed upon electors in that particular connection, except, of course, the constitutional qualifications, and qualifications laid down by law, which relate to all electors regardless of their party affiliations.

How is the primary election originated in the State of Alabama? Not by operation of law; but a primary election is brought into being in the State of Alabama by action of the executive committees of the respective parties. The power to call for a party primary is conferred upon the party, and the party, of course, exercises its authority through the duly constituted committees within its own organization.

After a party has acted through its duly constituted committee, and determines that there shall be a primary election within the State of Alabama, from that moment, whether the action has been by the passage of a resolution or some other evidence of the action of the party through its committee, there comes into being in the State of Alabama a primary election for that party. Immediately upon the coming into existence or being of a primary election for that party, the sovereign power of the State then steps in and determines when the primary shall be held. In presidential years, as I recall, the election is fixed by statute for May; in other years, the primary election is fixed for the month of August.

After a party, acting through its constituted authority, has declared for a primary, there is no power in the party, and no power in any of its committees, or any of its internal organization, to abandon that primary.

The primary has become at that moment a part of the law of the State of Alabama, and no action of the party acting through any committee can nullify that primary or prevent the primary from being held. So that after the party has once acted, has once called into being a primary, from that moment that primary is controlled and directed by the sovereign power of the State of Alabama, with only one definite exception, and with a possible other exception, which I desire to discuss.

The one definite exception is this: That whether the party acts according to its constitution, if it has one, or acts according to the by-laws of the party, if it has by-laws, or acts according to the traditional practices and principles of the party—by whatever method the party does act, that party has a right to determine the qualifications of those who may become candidates of the party at the primary election fixed by the law.

There has been much confusion during the hearing of this contest before the committee, in my opinion, respecting the question of the qualifications of electors in a party primary. That was inevitable, and it was inevitable for the reason, as I believe can be pointed out, that the statutes of Alabama respecting the qualifications of electors in party primaries are ambiguous, uncertain, and indefinite. If the position of the contestant were to be followed, then there would naturally, as I shall point out, grow up the most fantastic situations, the most ridiculous situations, and, in fact, the most impossible situations. I shall call to the attention of the Senate some illustrations which will show how ridiculous and fantastic would be the result if we were to follow the literal language of the Alabama statute referred to in the debate as section 612.

Before discussing what appear to me clearly to be ambiguities, indefiniteness, and contradictions, I point out that section 672 of the Alabama Code provides as follows as to the executive committee of a political party:

> Any executive committee of a party may fix assessments or other qualifications as it may deem necessary, for persons desiring to become candidates for nomination to office at a primary election.

Then there follow some details with reference to other matters which have no connection primarily with the question of the qualifications of a candidate.

Section 612 provides:

> All persons who are qualified electors under the general election laws of this State shall have the right to participate in such primary elections, subject to such political or other qualifications as may be prescribed by the State executive committee or governing body of such political party for its candidate.

Therein lies the difficulty; therein lies the ambiguity, the uncertainty. If the statute were to be taken literally, we can all well conceive how ridiculous the situation would be in the State of Alabama if the qualifications fixed by the executive committee for a candidate automatically attached to the electors.

Counsel for contestee has used some very outstanding illustrations which point the way we would find ourselves going if we accepted the literal interpretation of the statute. I can conceive of but one situation where the qualification fixed for the candidate automatically would attach to the electors. I can best illustrate that, perhaps, by using one example. Let it be understood that when I speak of qualifications, I refer to those other than the constitutional qualifications, and the qualifications prescribed by law.

Suppose the Republican Party in the State of Alabama, through its executive committee, fixed as one of the qualifications of a candidate for governor that he must be a member of some race other than the white race. Assume that the executive committee of the Republican Party should say that a candidate for governor in the State of Alabama must be a person of colored blood. If that qualification prescribed by the candidate automatically attached to the electors, then of course no one could vote in a Republican primary in the State of Alabama unless he had in his veins the blood of the colored race.

Suppose the Republican Party, in defining the qualifications of a candidate for United States Senator in the same primary, should prescribe as a qualification that such person should be one possessing "lily white" blood; that is, that no one but a person who was known as belonging to the white race should be a candidate for nomination for the office of United States Senator.

Then, under a literal interpretation of the statute, that qualification would automatically attach to the elector. If the qualifications which I have pointed out automatically attach to the electors respecting the qualifications that were applied to the candidate for governor and the candidate for United States Senator, neither the white race nor the colored race could vote in the State of Alabama.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. BLAINE. I yield.

Mr. DILL. The Democratic committee does fix as a qualification a restriction to whites only, does it not?

Mr. BLAINE. Qualification for the candidate?

Mr. DILL. Yes.

Mr. BLAINE. My understanding is that they fixed that qualification saying, "only a white person."

Mr. DILL. Only a qualified white elector?

Mr. BLAINE. That is my understanding.

Mr. DILL. That is restrictive, and kept out the colored people.

Mr. BLAINE. I think undoubtedly it did in the election, but not because of the resolution relating to the qualification fixed for a candidate.

Mr. DILL. No.

Mr. BLAINE. I have here the resolution adopted by the executive committee of the Democratic Party. I invite the attention of the Senator from Washington to the fact that the same qualifications were fixed by the resolution respecting race for electors in the primary.

Let me use another apt illustration—and I am assuming imaginary offices which might exist and which could exist under the laws of any State having capital punishment. Suppose the executive committee of the Democratic Party of the State of Alabama should fix the qualifications for a candidate for a State officer known as the State executioner.

The executive committee fixes the qualifications for State executioner as those of a male person, and it would be a very appropriate qualification. Then assuming that they had a state-wide nursing department and they had an official State nurse, a State officer, and the executive committee fixed the qualifications of a candidate for the office of State nurse as those of a female. If the qualifications fixed for candidates in those two cases automatically attach to the electors, there could no one vote for either of those officers in the primary.

So I say that if a literal interpretation is to be given to the section, we meet these impossible, fantastic, ridiculous situations.

But the legislature meant something when it enacted section 612. I have searched diligently to ascertain the reason why the legislature added to the law the words, "for its candidate." I have listened to the arguments which have been made. As I recall, counsel for the contestant argued that it was necessary for the legislature to amend the law and add the words, "for its candidate," on account of some decision that was rendered by the courts of Texas. I examined that decision. I could find nothing in the decision that would impel the legislature of the State of Alabama to add the words "for its candidate."

As I view that decision, it had no relationship whatever to the problem upon which the State of Alabama was legislating. Then, we find that subsequent to that amendment, in a recent act of legislature it was provided that the executive committee could prescribe other and different qualifications as between candidates and electors. So the matter is altogether in confusion as to what section 612 means when it uses the words "for its candidate."

But I think it has application and a perfectly proper application to circumstances which might develop in the State of Alabama. Suppose that a party in the State of Alabama should fix qualifications for a candidate for office that would enlarge the field out of which those candidates might be selected. That would increase the number of electors qualified to vote. Applying the literal meaning of the statute to that illustration, then the electors or the class of electors would be enlarged to the extent of the field of candidates who would be permitted to submit themselves in a Democratic, Republican, Socialist, or any other party primary in the State of Alabama.

In other words, that statute can be applied to protect the citizens of the State in their full right of franchise within their party according to the definition set forth in the statute for that party.

My interpretation of section 612 is that in practical effect it can have no application whatever to an elector. We can imagine examples where it might apply, but those examples involve impractical situations which undoubtedly sensible men belonging to the executive committees of the respective parties would never suggest. But the qualifications of electors in a primary, in my opinion, are definitely and specifically fixed by the laws of the State of Alabama. I invite attention to section 624, which provides as follows:

> Any qualified elector who is also a member of a political party as herein defined, participating in a primary election, shall be entitled to vote at such primary election as shall receive the official primary election ballot of the political party and no other.

That is the test to be applied to the electors in the primary election of every party. The code of the State of Alabama does not set up any method by which the party may expel its membership. I assume through its history, its traditions, its practices, and its general methods, that certain implied qualifications have been set up by each party relating to members of the party; but when section 624 is read in connection with section 602, it is the assemblage or organization of electors which constitutes a party in the State of Alabama and those men and women are the members of the political party who participate in the primary election as a party and those members are entitled to vote at such primary and shall receive the official primary election ballot of the political party.

That gives the electors of the State of Alabama a possibility of generous participation in the primary election of Alabama and whether or not an elector shall cast his vote in that particular primary must be determined by the elector on his good conscience. If the election officers challenge that elector, he then has an opportunity to qualify; and if he can qualify, he will be permitted to cast his vote in that particular party primary.

Therefore I conclude on this proposition with the declaration that under section 672 the executive committee in any party may prescribe the qualifications of that party's candidates. That position has been sustained by the Supreme Court of the State of Alabama and is conceded by contestant. I need not review that case. It has been covered in the debate here on this matter.

However, Mr. President, in my opinion the executive committee has limitations upon its power even respecting qualifications for candidates. As I think has been pointed out in some decisions reviewed by Judge Thomas in his dissenting opinion, those qualifications must come within the rule of reason. They must be reasonable qualifications. But who is there to say that when the Democratic Party, after its experience in 1928, with the defeat of its candidate for President, should not say, when the executive committee was possessed of that power lawfully under the statute, that any person who had not supported the candidate of the Democratic Party for the Presidency in 1928 should not be qualified as a candidate in the primary of 1930? That, I believe, is admitted to be a reasonable qualification under the Alabama law.

Mr. BORAH. Mr. President, I understand the Senator is about closing his remarks on this subject.

Mr. BLAINE. Yes; I am about closing my remarks on this subject.

Mr. BORAH. I wanted to get the Senator's views on one phase of this matter. The resolution which was adopted by the executive committee fixed the qualifications of the candidates?

Mr. BLAINE. Yes.

Mr. BORAH. If it had gone no farther than to fix the qualifications of the candidates, the qualifications of the electors would, under section 612 of the Alabama Code, have followed those of the candidates, would they not?

Mr. BLAINE. In my opinion, no. I think the qualifications of the electors are fixed by section 624 instead of section 612; and that section 612, if literally interpreted, would

be held to be void on the grounds of uncertainty and ambiguity.

Mr. BORAH. Then, the position of the Senator is that the Democratic executive committee in Alabama had power, under the different sections of the statute, to fix one qualification for electors and another qualification for candidates?

Mr. BLAINE. The executive committee had the power to fix one qualification for candidates, and I have grave doubt whether it could fix any other qualification for electors than that prescribed in section 624.

Mr. BORAH. Now, I should like to ask the Senator this question: Assuming that section 612 would require the executive committee to fix the same qualifications for electors that it fixed for candidates; in other words, assuming that under section 612 the committee having fixed the qualifications for candidates, the qualifications of the electors would be the same; nevertheless would the fact that the committee undertook to fix a different qualification render the primary invalid, or would it simply make it irregular?

Mr. BLAINE. As I contended at the beginning of my remarks, after the Democratic executive committee brought the primary into being there was nothing that that committee could do to nullify that primary. It might practice irregularities with reference to its powers and privileges, but those irregularities in no way would nullify or invalidate the primary.

Mr. BORAH. In other words, even if the committee had fixed a different qualification for candidates than that which it fixed for the electors, that would be an irregularity which would not go to the validity of the primary.

Mr. BLAINE. It would be a plain irregularity; it would have nothing to do with the validity and force of the primary. The primary itself having been brought into being, as I have stated, there is no power in the executive committee that could invalidate or nullify that primary. The committee may practice irregularities; they may go beyond their power in fixing the qualifications of an elector; but an elector has the right in the State of Alabama to go to the polls, and as a member of a party that participates in the primaries he has a right to vote in such primary and to receive the official primary election ballot of the political party which is participating in that primary. His rights are fixed. Whether or not he can maintain his position depends entirely upon the fact. If he comes within the qualifications of an elector, as set down by the constitution and laws of the State of Alabama and is actually a member of a political party in Alabama, he has his right to vote.

I can not set forth what the position of each elector may be in the State of Alabama respecting his party affiliations; that is a matter which rests with the conscience of the elector when he goes to the polls to vote, as I interpret the statute.

Mr. HASTINGS. Mr. President, will the Senator from Wisconsin yield to me?

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

Mr. BLAINE. I yield.

Mr. HASTINGS. I desire to inquire of the Senator from Wisconsin whether he has given any consideration at all to the fact that the chairman of the Democratic executive committee announced that voters at the primary would not be permitted to write in the name of Senator Heflin or, as I recall, a man by the name of Locke for governor? Has the Senator given any consideration to the effect that would have upon the legality of the primary?

Mr. BLAINE. Mr. President, I have very carefully considered that proposition. I can conceive, and I have observed, that in primary contests and in election contests many statements are given out for the purpose of misleading the electors, but one who is in the position of chairman of the Democratic executive committee in the State of Alabama could not by his declaration disqualify the electors. I assume that the electors in the State of Alabama, if they honestly believed that they had a right to vote in the primary, would have sufficient courage to challenge that statement if they believed the statement to be incorrect, irregular, or untrue. That is left, of course, to those who are going to exercise the right or privilege of electors. I might say, however, that, of course, a statement of that kind might have a very weighty effect in dissuading electors from doing certain things or the doing of certain things, whichever the case may be.

Mr. HASTINGS. Mr. President——

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

Mr. BLAINE. I yield.

Mr. HASTINGS. In order that I may have the full effect of the Senator's argument, I desire him to assume that the executive committe itself adopted such a resolution, declaring that voters could not write on their ballots the names of candidates. Would the Senator think that such action by the executive committee would render the primary null and void?

Mr. BLAINE. My opinion respecting that is identical with my opinion respecting the operation of section 612, that, if the Democratic executive committee, assuming they had no power to do so but really did adopt such a resolution, and assuming the chairman of the committee gave out the information, it would be an irregularity which could not and would not nullify the primary. The primary is in being and irregularities on the part of a political party committee or of an election officer or of an individual citizen clearly can not and did not nullify the primary election in Alabama.

Mr. HASTINGS. Mr. President, does the Senator contend that the action of the Democratic executive committee of the State of Alabama, which upon its face excluded some persons from participating in the primary, assuming that the executive committee had no right to impose any such restrictions in the resolution, is a mere irregularity and does not make the resolution itself void?

Mr. BLAINE. I would contend that, even if the resolution were void and an absolute nullity, it would have nothing to do with the validity of the primary. The primary was in being; it was brought into being; thereupon there was no committee and no individual and no election officer public or otherwise who could nullify that primary. It would be an irregularity which of course, in my opinion, is cured by operation of law and other principles which I have not discussed, and I doubt if it is necessary to discuss them. That has been fully presented.

Mr. HASTINGS. If the Senator will permit one more interruption, then I will not bother him further. On page 6 of the minority views it appears that this question was propounded to Mr. Bankhead:

> If the committee refuses to comply with such request, do you favor the voters in the primary being given an opportunity to stamp the names of Heflin and Locke on the ballot and vote for them if they want to do so?

Mr. Bankhead's answer was:

> I shall not be a party to such a thing.

I just call the Senator's attention to that, and I thank the Senator for yielding to me.

Mr. BLAINE. I have considered that proposition very carefully. As I conceive the situation to be, it was not within the power of Mr. Bankhead or anyone else to nullify or make void the primary. If Mr. Bankhead, for instance, had advised that the executive committee of the Democratic Party create a sort of a set-up designedly for the specific purpose of keeping everybody out of the primary except himself and his friends, and if there was evidence to that effect which would connect Mr. Bankhead with that kind of a conspiracy, then the proposition would go to the point of whether or not Mr. Bankhead was a fit person to occupy a seat in the Senate of the United States; but there is no contention to that effect whatever and not even a suggestion to that effect.

The suggestion is that Mr. Bankhead, as I recall, expressed his perfect willingness that Mr. Heflin should have the right to run in the Democratic primary. That goes only to the question of good faith and the liberal attitude and broad citizenship of Senator Bankhead and does not reflect upon

him except meritoriously, as I view it; and after the committee had adopted a certain resolution or given out certain orders, his expression thereafter could have no effect upon his purposes or motives that would in any way nullify or invalidate the election or attach to him any suggestion of misconduct. That is the view I take of that proposition.

So, Mr. President, I approach this question, as I suggested at the outset, with a predilection all in favor of a liberal primary system, one in which men and women would be entitled to be candidates and in which there would be freedom of the electors to select men and women of their choice.

I, therefore, approached the matter with a searching viewpoint; but because I entertain such an opinion regarding the primary-election system does not mean that the violation of my opinion as to what the primary-election system should be would justify the unseating of a Member of the United States Senate. The forum for the determination of the kind of primary election law to be provided in the State of Alabama is with the people of the State of Alabama and not with the Senate of the United States.

However, Mr. President, if any State should set up a system designedly for the purpose of excluding those clearly qualified, under our Constitution and the constitutions of the respective States, to vote in any primary, then the Senate of the United States might well say as to a person who would accept a nomination at the hands of a coterie willing to betray their State, not by the use of money, but by depriving men and women of their rights as electors, that such circumstances attached to his nomination that he might come under the characterization of a person unfit to occupy a seat in the United States Senate.

But, Mr. President, we are not facing that kind of a question, and my mind is not closed on that proposition. I am simply stating an extreme possibility.

I shall not review the law relating to how irregularities in primaries and in elections are cured. I think that matter has been fully covered. I do desire, however, to refer to some of the omissions and irregularities that were practiced during the election campaign. I will treat those questions very briefly, for the reason that they have been very well disposed of by Senators who have spoken upon this question.

I want to call attention to the irregularity complained about respecting the marking of the ballots.

I believe the statute requires that the ballots in the general election shall be numbered in ink.

In a report made by the chairman of the subcommittee of the Committee on Privileges and Elections—I am using that for convenience—on page 2, it is stated as follows by the Senator from Delaware [Mr. HASTINGS]: The print is the confidential subcommittee print. I believe it has no other characterization. I do not find a number upon the print.

The Senator from Delaware said:

> I have heretofore pointed out that the Alabama law requires the inspectors of elections to number each ballot in ink. This number corresponds with a number on the poll list. The secrecy of the ballot is secured by providing that before the count is started the poll list shall be sealed and not again opened.

It has been demonstrated to my satisfaction that the provision relating to the numbering of the ballots in ink is directory, and not mandatory. It does not in any great degree guarantee the sanctity of the ballot. That is, it does not seem to me material whether the ballot is numbered in ink or in lead pencil. There is nothing special about the numbering of the ballot that guarantees the purity or the sanctity of the ballot. I desire to point out the circumstances that justify my comment just made.

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

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

Mr. BLAINE. I yield.

Mr. HASTINGS. I desire to call attention to the fact that on page 7, just following what the Senator has read, in making the report the chairman of the subcommittee distinctly called attention to a case in Alabama holding that it was directory and not mandatory, and that the votes ought to be counted unless fraud was shown; and I comment upon that in the report.

Mr. BLAINE. Is that in the subcommittee memorandum submitted by the Senator, or in the minority report?

Mr. HASTINGS. The Senator will find it in what is now before the Senate, marked "Minority views," the report presented by myself, on page 7. The Senator was reading a little while ago touching the same subject. It is on the next page.

Mr. BLAINE. I am reading from one report, and the Senator is reading from another. I fear that there will be a misunderstanding. At any rate, whether the provision is directory or mandatory, it does not affect the validity of the election; and I confess that I have not studied the decision to which the Senator refers.

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

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

Mr. BLAINE. I yield.

Mr. BRATTON. If I correctly understood the Senator from Delaware, he said that the Supreme Court of Alabama held the statute to be directory, just as the Senator from Wisconsin now asserts.

Mr. BLAINE. Oh! I misunderstood the Senator.

Mr. HASTINGS. Yes; that is correct.

Mr. BRATTON. In other words, the Supreme Court of Alabama declared the same view that the Senator from Wisconsin now announces.

Mr. HASTINGS. That is correct; and the only reason why I called attention to it was this: In order to be perfectly fair, and that the Senate might know, I myself called attention to the fact that the Supreme Court of Alabama had so held, and called attention to the fact that the counsel for Mr. Heflin insisted that that holding did not apply because fraud was charged in this case; and I went on to say that notwithstanding they took that view, the committee did not agree with them.

Mr. BLAINE. I think the Senator from Delaware is entitled to an apology from me. I misunderstood him. I thought he said that the Supreme Court of the State of Alabama had declared that provision of the statute to be mandatory and not directory. My own thought was, upon a study of the question generally, that the provision was directory and not mandatory.

Now, I want to point out how quite immaterial it was, that it made no difference whether the ballots were numbered in ink or in lead pencil. I know it is contended that if the ballots were numbered in ink they would not be so readily subjected to the erasure of the number, but the number has to do only with the number on the poll list, as I understand—not the registry list, but the poll list. As I understand the election laws of Alabama, the voter who casts a ballot bears the same number as does his ballot. If anyone desired to manipulate that vote, it would be wholly unnecessary to erase the number. The practical and easy manner of manipulation would be to substitute another ballot, marked as the person who was engaging in such fraudulent practices desired to mark it, and that could be done whether the number was in ink or in lead pencil. But we can not unseat Members of the Senate, or deny them the right to represent their States, on such narrow technicalities. I just want to point out how ridiculous the situation appears, at least to me.

In the primary election in the State of Alabama the ballots may be numbered in ink, lead pencil, chalk, charcoal, or any other substance that will make a mark. In other words, there is no provision, respecting the primary ballots, that ballots shall be numbered by any specific method. They shall be numbered, of course. All of us have attended elections. We all know that it is quite the usual thing for election officers to carry lead pencils and not fountain pens. It is quite the usual thing and it is the universal practice to have lead pencils in the election booth with which the electors may mark the ballots. The lead pencil is the convenient instrument in and about election precincts.

In most years and in most elections in the State of Alabama the primary election was the important election. That was the election in which election officers were trained respecting the general conduct of the election. That was the election in which the election officers no doubt accustomed themselves to the use of lead pencils in numbering the ballots.

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

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

Mr. BLAINE. I yield.

Mr. HASTINGS. I should like to call the Senator's attention to the fact that in this report it is distinctly stated:

> The facts so far disclosed would not justify the committee in refusing to count these ballots for the reason that they had not been properly numbered.

So that I entirely agree with the Senator with respect to the point to which he is now addressing himself.

Mr. BLAINE. I appreciate that the Senator from Delaware has been very fair in making statements respecting some of these irregularities; but I was leading up to another proposition, because it has been expressed on the Senate floor. The attempt has been made to multiply the violations of law in the State of Alabama, running into literally millions of violations, and I was pointing out this situation to show how utterly ridiculous it is to impute to the election in Alabama mounting violations of law.

I call attention to the report from which I have been reading—and this is no criticism whatever of the Senator from Delaware. He points out that there were 128,856 ballots not numbered in ink, and that there were 58,817 ballots not numbered at all. Therefore, according to some mathematicians, it is concluded that there were 187,673 violations of law.

I do not perceive those to be violations of law at all. They are quite immaterial irregularities. But carrying my thought along just another step, by the same report it is shown that there were 5,754 inspectors at the polls who violated the law, that is, I assume, inspectors at the voting places who did not mark the ballots in ink. To show how ridiculous it is to impute general violation of the law or willful violation of the law to the people of Alabama, how ridiculous it is to impute any unfitness to Senator Bankhead, based on these charges, just let us take a lead pencil and pad and multiply 187,673 ballots, the number not numbered in ink or not numbered at all, by the number of officers whose duty it was to conduct the elections, namely, 5,754, and by that mathematical calculation we find that there were over a million violations of law in Alabama—a terrible state. That simply pictures the situation as I see it, and as I believe it will generally be considered by those who have given the matter some thought.

Let us develop this a little further. In the same report from which I quoted it is shown that out of a total of 2,043 boxes, in 1,543 the ballots were found folded instead of rolled and sealed, and in 576 boxes they were found loose, both of these irregularities frequently occurring in the same box. There were but 19 boxes where the ballots were properly rolled and sealed.

There is shown a general practice of irregularities and omissions. Many of them are explained. But can anyone say that because ballots were not rolled and a seal placed upon the roll that that in any way imputes fraud in that election, or imputes any unfitness to Mr. Bankhead? Is there anything in that irregularity any more than happens at every election everywhere throughout the United States?

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

Mr. BLAINE. I yield.

Mr. HASTINGS. The Senator from Wisconsin realizes, does he not, that the statute provides that after the ballots are counted they shall be rolled and sealed, and those which have been rejected shall be rolled and sealed, and both classes placed in the box and the box itself sealed, and all of it retained for the period of six months? Does the Senator think that is an unimportant part of the statute of any State? Does he not believe that was for the purpose of preventing fraud in elections, and does he not believe that when he finds those conditions absent, it indicates that there was fraud at the election?

Mr. BLAINE. The Senator asks a good many questions in one. I will try to answer them if I can remember all the questions.

That number of irregularities in an election means nothing unless there is some evidence which would connect the election officer in a conspiracy with the candidate, or his friends, with his knowledge and his connivance, engaging in that sort of practice in order to cover up their fraud. In the absence of any proof of fraud of course the irregularities, as I have said, become inconsequential and wholly immaterial.

Mr. HASTINGS. Does not the Senator think that it demands an explanation, and an explanation from the officers who violated that particular law? Can it just be brushed aside by the candidate and brushed aside by the Senate, and called an unimportant irregularity? Is that the Senator's contention?

Mr. BLAINE. No; that is not the Senator's contention. My contention is that I have no jurisdiction to punish the election officers of the State of Alabama, nor is it within my province to criticize the election officers of the State of Alabama. Perhaps they functioned carelessly, made many mistakes, there were many omissions; but are we to charge those omissions to a candidate for office? If so, what candidate? Are we to charge it to the candidates for the legislature in Alabama, to the candidates for county offices, to the candidates for membership in the house of representatives of the State, or candidates for other State offices? That is not within our power, nor is it within our province. There is no charge that Senator Bankhead, or that those supporting him with his knowledge, had anything to do with those omissions and irregularities.

The fact is that the omissions and irregularities were so general that they wipe out all suggestion or possibility of a conspiracy. That is the fact of the matter. There is no candidate, in my opinion, in Alabama or elsewhere, who could organize almost all of the election officers of a State, and induce them to commit such irregularities and omissions, without there being some men, or at least one man, who knew about them, and who would be willing to testify before the committee. Yet I know of no testimony, either before the Nye committee or the Hastings committee, that there was any conspiracy, or even an intimation of a conspiracy, that election officers were to commit these irregularities and omissions for the purpose of electing Mr. Bankhead to the Senate.

Mr. HASTINGS. Mr. President, will the Senator yield again?

Mr. BLAINE. I yield.

Mr. HASTINGS. Do I understand the Senator to contend that it is possible for a thing to be so good that it purifies itself and therefore becomes a thing that we ought to overlook? In other words, if it is half bad, then we ought to investigate it and declare it null and void, but if it is so terrible that you can not find any of the law lived up to at all we ought to overlook it and say that we have nothing to do with it?

Mr. BLAINE. Mr. President, I do not come to the same conclusions the Senator reaches. I do not think it was so terrible. I do not think it was terrible for election inspectors to number ballots in lead pencil instead of ink. I think it was the ordinary, usual thing that election officers would do. They had been accustomed to doing that very thing in the primary. Therefore that custom followed them into the election. There is nothing horrible or terrible about that at all. It is the most innocent act on the part of men who are not specially trained respecting the conduct of elections, but who know how to conduct elections; and it makes little difference, in their minds or in my mind, whether there is an immaterial irregularity or not.

Mr. HASTINGS. Mr. President, why does the Senator emphasize this question of numbering the ballots, when the committee distinctly stated that if that was the only thing, it would have no effect upon it? But why would he not please explain these irregularities, which, it seems to me, are

important; namely, the failure to roll these ballots and to seal them, and to put them into these boxes, and then, when you go and make the investigation, find half of the boxes with the seals broken and the ballots not sealed on the inside? Those are the important, essential things in this case. Those are the things which the law intended should be placed there as barriers to prevent fraud, and those are the provisions which have been violated in Alabama. Those are the things which impressed me, not what the Senator from Alabama spent two hours and a half trying to explain to the Senate.

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

Mr. BLAINE. I yield.

Mr. BLACK. We deny that there is any such evidence as the Senator stated. It is not in the record. The boxes, if opened, were shown to have been opened under the authority of law, except as to those broken open by the committee. In addition to that, we deny that the Senator has heretofore placed no great emphasis on the pencil proposition, because on page 8 of his report it is shown that he cited the fact that each one of the inspectors had violated the law a number of times. With reference to the rolling and sealing, which he is now emphasizing, I called the attention of the Senate the other day to the fact that Mr. Bankhead went to the committee and secured a list of those they thought were the most suspicious, and there are affidavits in the record that those votes were properly counted. There is a letter in the record addressed to the Senator from Delaware, from Mr. Bankhead, stating that if there were any more questions about the unrolled or unfolded ballots, he would be glad to get evidence with reference to that matter.

I desired to make this statement, because I did not want the remarks of the Senator from Delaware on this floor to go unchallenged.

Mr. HASTINGS. Mr. President, the difference between the Senator and myself is that the Senator from Alabama is not as familiar with this case as I am. He is talking about something that is not even mentioned in this report as a thing that ought to be considered by the Senate. However, I do not want to interrupt the Senator from Wisconsin. I shall answer the Senator from Alabama in my own time.

Mr. BLAINE. Mr. President, reading from the preliminary report of the Senator from Delaware, I was endeavoring to enumerate these fabulous amounts represented as violations of law in Alabama. We have disposed of over a million of them, respecting the numbering the ballots by lead pencil instead of ink. Let us see about these boxes.

The report of the Senator from Alabama also states that the boxes found not sealed numbered 1,618. The Senator made this statement:

> I thought in the first instance that the breaking of the seals of these boxes was of great importance, and that if a box was found with the seal broken that the burden would be upon the sheriff who had the custody of the box to explain why the seal had been broken, but since the last meeting of the committee I have had some correspondence with Mr. Bankhead, which to my mind has largely destroyed the importance of ascertaining why a particular seal on a ballot box was broken.

That seems to be conclusive on that proposition. There was some evidence produced, as I understand, to explain the breaking of the seals. There was no evidence produced that there was any fraud perpetrated, no evidence that there was any conspiracy between Mr. Bankhead or those closely associated with him and the sheriffs, as I understand the sheriffs to have been the officers who had control or possession of the ballots.

Take the total number of violations, as I have pointed out, and add them to the violations to which I have just referred and to which the Senator from Delaware addressed himself a moment ago, and all that terribleness is dissipated. What is there left after we subtract the irregularities relating to the numbering of the ballots and the irregularities relating to the ballot boxes? What is there left even to raise a suspicion against the election officers of the State of Alabama? There is practically nothing left.

But the point I desire to emphasize is that there is no claim and there is no contention supported by evidence that Mr. Bankhead and those associated with him in the campaign in any manner promoted any irregularities or any so-called violations of the law, no inference that they had their hands in the innumerable so-called violations running into the hundreds of thousands. If there was any fraud whatever, there is no evidence that it at all in any manner attaches to Mr. Bankhead.

Let me say, Mr. President, that there is no evidence of fraud. This case has been investigated. It has been debated. There was a special committee on campaign expenditures for 1930 headed by the Senator from North Dakota [Mr. NYE] which conducted an investigation. An investigation has been carried on by the standing Committee on Privileges and Elections. I was unable to find a single scintilla of evidence of any corruption or any excessive use of money or any fraudulent practices upon the part of the candidate or his friends and associates. All of those charges of fraud grew out of the irregularities and omissions of election officers. No responsibility attaches to Mr. Bankhead in that respect. I say that after going through the report and going through the briefs of counsel and listening to their arguments. If there is, then I would like to have some Member of this body point out the error of my conclusion.

Mr. President, I appreciate, as I said at the outset, that the Senate of the United States has the power to declare the seat of the Senator from Alabama vacant, but I think the Senate of the United States as well has a sense of responsibility, and it will consider in all these election contests some of the legal fundamentals which govern elections generally. I point out a case in the State of Nebraska, volume 37, page 314, State ex rel. Crawford against Norris—and by way of parentheses I want to suggest that it has no reference to "Grocer" Norris nor to the distinguished senior Senator from Nebraska [Mr. NORRIS]. This case has particular application to the question of irregularities on the part of election officials and the omissions in which they engage.

There are two reasons why the court disregards irregularities and omissions on the part of election officers. One reason is that the electors have the right to depend upon the validity of an election. They have a right to have their views expressed. Their views can be expressed only by the casting of a ballot. They have a right to have their ballots counted. The right is in the elector, and to set aside an election that is entirely free from corrupting influences, debauchery, excessive use of money, an election that is free from all the baneful influences of money and corruption, is not within the province of the United States Senate. In that kind of an election the people of a State have the right to have their ballots counted and the results which flow from their exercise of the ballot recognized. That is one reason why the courts disregard irregularities and omissions by election officers.

Then some courts have applied another reason and that reason is pointed out in the case to which I have just referred. I shall read the language:

> The fundamental object of all election laws is the freedom and purity of the ballot. It is to be observed that the voter has no control whatever over the publication of the names of candidates or the forms of the ballots. If for such defects in these particulars the ballot must be rejected, the door would be thrown open to fraud. To defeat the will of the people it would only be necessary to have (in this particular contest) the county clerks furnish the electors, or some of them, with tickets slightly variant from those prescribed by law.

I quote the language in that case for the purpose of pointing out that irregularities and omissions must be disregarded by the courts, else the door would at once be thrown open to the practice of fraud by election officers either through willfulness or improper motives. In the absence of such a rule they could commit enough irregularities to beat the party, if that was the design, or to beat the candidate if their design went no farther.

Mr. President, this contest coming to the Senate without the taint of fraud, without the taint of corruption, without the taint of excessive use of money, I could come to only one

conclusion, and that was the conclusion reached by the majority of the Committee on Privileges and Elections. I do not concede it to be the duty or the province of the Senate to determine whether or not Alabama's primary election law should be revised or remodeled. That is not the question. If it were the question, this is not the forum for the determination of that question. So long as the laws of the State of Alabama, as I have pointed out, control its internal affairs respecting the election of a United States Senator, permitting the people of that State to exercise their constitutional rights and privileges as do the statutes, as I construe those statutes, then, Mr. President, it seems to me that we can not afford to disturb an election on grounds of the thinnest irregularities and omissions alleged to have been committed by the election officers. It seems to me that we must recognize the expression of the people of Alabama in this case.

The State of Alabama, therefore, having preserved for her people their rights and their privileges, for me to come to any other conclusion would be an exercise of extremest partisanship. As for myself, I bow my head and cringe my knee to no party whip. I recognize but one power, and that is the sovereign will of the people expressed through an uncorrupted election.

Mr. ROBINSON of Indiana. Mr. President, will the Senator yield in order that I may ask him a question?

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. BLAINE. I yield.

Mr. ROBINSON of Indiana. I understood the Senator to say just now that he bowed only to the will of the sovereign people. If I am correctly informed the Senator voted for the Democratic candidate for President in the last campaign in Wisconsin. Is that true?

Mr. BLAINE. I have no apologies to make for having voted in that way.

Mr. ROBINSON of Indiana. I am merely asking the Senator if that is a fact?

Mr. BLAINE. I have no apologies to make for having voted for Mr. Smith. I think it was a terrible mistake that a majority voted for Mr. Hoover, and that is my personal feeling. [Manifestations of applause in the galleries.]

The PRESIDENT pro tempore. The Chair must admonish occupants of the galleries that they are here by the courtesy of the Senate and they must not infringe the rules of the body.

Mr. BLAINE. I might say it was a more terrible mistake than the Senator from Delaware [Mr. HASTINGS] has characterized the Alabama election to be.

Mr. ROBINSON of Indiana. I am not quarreling with the Senator from Wisconsin for having voted as he chose. The Senator himself is a candidate this year to succeed himself in the Senate, I understand. What I am trying to lead up to is this: Suppose the Republican State central committee in Wisconsin should adopt the same kind of rule as was adopted in Alabama, and as a result of that rule should keep the Senator's name off the Republican ticket in the primary in Wisconsin, would the Senator then feel that the sovereign people of Wisconsin were having an opportunity to decide that question or would he think the party bosses of Wisconsin were deciding or undertaking to decide the question without giving the people of Wisconsin any chance whatever?

Mr. BLAINE. The Senator from Indiana need not have any worry about that. What the Senator from Indiana has described is not going to happen. [Laughter.]

Mr. ROBINSON of Indiana. No, Mr. President; but that is exactly what happened in Alabama. That is the point I am making, and suppose it did happen in Wisconsin. Then my contention is that the sovereign people of Wisconsin would not have any voice in the matter at all, but only the party bosses.

Mr. BLAINE. Mr. President, does the Senator from Indiana expect me to answer a hypothetical question as to what can not happen and is not going to happen? I decline to engage in that.

Mr. ROBINSON of Indiana. But that did happen in Alabama. That is why some of us are claiming that the primary in Alabama was illegal, in that, acting wholly illegally, one set of rules were prescribed for the Democratic voters of Alabama and another set of rules for the candidates on the Democratic ticket in Alabama, raising the same question I have just undertaken to present to the Senator from Wisconsin.

We feel the sovereign people of Alabama, so far as the Democratic Party is concerned there—and that is, of course, overwhelmingly the majority party—never had any voice in the matter. That is precisely what we object to, and why we think the primary there was illegal; and I am saying, if, under the same set of circumstances, the State organization of the Republican Party of Wisconsin should attempt to do what the State organization of the Democratic Party in Alabama did as Democrats, then the Senator himself would be prevented from having his name placed upon the Republican ticket of Wisconsin, no matter what the sovereign people might thing about it or how they might feel about it. It was never left to the people in Alabama, in the slightest degree, but some 50 men—the bosses of the State committee—undertaking or assuming to speak for the sovereign people, decided the question for the people without giving the people an opportunity to express themselves. That is the point I am making.

Mr. BLAINE. I know how great the anxiety of the Senator from Indiana is respecting the Senator from Wisconsin. I appreciate that anxiety; in fact, I deeply appreciate it; but the trouble with the Senator from Indiana is that he did not give the Senator from Wisconsin the honor of being present in the Senate when the Senator from Wisconsin discussed the very question that the Senator from Indiana has now raised. May I call attention briefly to the fact that the statutes of Alabama prescribe the powers and designate the organization that determines the qualifications of candidates for public office? The statutes of the State of Alabama define the qualifications of electors in a primary. I have pointed out specifically the statutes and made my argument along the theory that I adopted in this contest. While I would be very glad to repeat the argument, I think it is wholly unnecessary, and the Senator from Indiana will be privileged to read in the RECORD in the morning my analysis of the Alabama situation.

Mr. TRAMMELL. Mr. President, I understand that ex-Senator Heflin, the contestant in this case, desires to be given the privilege of addressing the Senate for not exceeding two hours. The Senator from Louisiana [Mr. LONG] brought this matter to the attention of the Senate on Friday of last week and had contemplated making a motion for this privilege to be extended to ex-Senator Heflin on a day prior to the conclusion of the consideration of the case. The Senator from Louisiana, however, is not present to-day, and in the interest of——

Mr. FESS. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum before he makes his request?

Mr. TRAMMELL. I yield.

The PRESIDENT pro tempore. The Senator from Florida yielding for that purpose, the clerk will call the roll.

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

Ashurst	Costigan	Howell	Robinson, Ind.
Austin	Couzens	Johnson	Schall
Bailey	Cutting	Jones	Sheppard
Bankhead	Dale	Kean	Shipstead
Barkley	Dickinson	Kendrick	Shortridge
Bingham	Dill	La Follette	Smoot
Black	Fess	Lewis	Steiwer
Blaine	Fletcher	Logan	Stephens
Borah	Frazier	McGill	Thomas, Idaho
Bratton	George	McKellar	Thomas, Okla.
Brookhart	Glass	McNary	Townsend
Broussard	Goldsborough	Metcalf	Trammell
Bulkley	Gore	Moses	Tydings
Byrnes	Hale	Norbeck	Vandenberg
Capper	Hastings	Norris	Walcott
Caraway	Hatfield	Nye	Walsh, Mass.
Carey	Hawes	Oddie	Watson
Connally	Hayden	Reed	White
Copeland	Hebert	Robinson, Ark.	

The VICE PRESIDENT. Seventy-five Senators have answered to their names. A quorum is present.

Mr. TRAMMELL. Mr. President, as I had stated prior to the calling of the quorum, it is my understanding that on Friday of last week—I was absent at the time, however—the junior Senator from Louisiana [Mr. LONG] asked unanimous consent that former Senator Heflin, the contestant in the pending case, be allowed to address the Senate for a period of not exceeding two hours. It is my understanding that he contemplated making a motion to that effect had he been present to-day. He, I am informed, is unavoidably absent from the Senate to-day.

I have looked up the precedents, and I find that this privilege has been extended to contestants in a number of cases in the past where it was desired, and in the Precedents of the United States Senate, on page 522, I find cited only cases where that privilege was granted. I have found no instance where the privilege has been refused or rejected.

Without intending in any way to have it express my views in regard to the final outcome of this contest, or as to who should be seated, I feel that in view of the precedents, and the desire of the contestant to address the Senate for not exceeding two hours, there could be nothing amiss in extending to him this privilege.

Therefore, Mr. President, I move that the contestant, former Senator J. Thomas Heflin, be permitted to address the Senate for not exceeding two hours in the pending contest.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida.

Mr. ROBINSON of Arkansas. Mr. President, it will be recalled that on another day a request for unanimous consent to permit Mr. Heflin to address the Senate was submitted and that objection was made. Under the circumstances I do not believe this motion should be granted. I do not believe it is in order under the rules of the Senate.

As stated by the Senator from Florida, there have been instances in which the Senate by motion has extended the privilege to speak in a contestant's own case. In some of those cases the contestant possessed a certificate of election or of appointment. In any event it is a questionable procedure.

The contestant in this case enjoyed unlimited hearing before the committee. The resolution reported is that the sitting Member is entitled to his seat. There is not any report or recommendation, there is not any Senator who has contended or suggested, that Mr. Heflin is entitled to that seat.

If the proposition were presented in the alternative, if the contention of those who oppose Mr. Bankhead retaining his seat were that Mr. Heflin was elected, I should not object to his participation in this debate; but it becomes a question in which he is only collaterally interested. If the resolution reported by the committee should prevail, it would result merely in vacating the seat of the sitting Member from Alabama. It could not under any circumstances result in seating former Senator Heflin.

The sitting Member, Mr. Bankhead, has not appealed to individual Members. He has not appealed to the Senate. He has been content to permit this case to be determined as a quasi judicial question. Mr. Bankhead has manifested commendable modesty. He has not obtruded himself upon his friends as a reason they should respond to his desires in connection with this contest.

Believing that under the rules of the Senate no one but a Senator is entitled as a matter of law to speak to the Senate, and that in order to permit another to address the Senate the rules must be suspended, I make the point of order on the motion of the Senator from Florida.

Mr. NORRIS. Mr. President, what I shall say probably will be in no sense technical, and perhaps will not be directed immediately to the point raised by the Senator from Arkansas on the point of order, which, of course, is a technical objection.

Since I have been a Member of the Senate I have never known in a contest case anyone who was not a Member of the Senate to be allowed to address the Senate on the controversy, except in the case of Mr. Vare. By unanimous consent he was permitted to speak. I thought at the time it was a bad precedent. It is true that I had the right to object, and did not; but the reason why I did not object was because I had been quite active in the matter—I was the author of the resolution that excluded him and I did not feel that I ought to put myself in the attitude of making an objection.

In this case I feel perfectly free to speak my real sentiments, because I expect to vote against the seating of Senator Bankhead when the vote comes. I expect to have something to say about it before the vote is reached; so I am under no embarrassment in saying just a few words against this proposal and the establishment of a precedent which, to my mind, is a dangerous step for the Senate to take.

We have committees of the Senate for the express purpose of hearing people who are not Members of the Senate deliver to the Senate, through the committees, arguments and addresses of all kinds. Anybody can see at a glance that unless we had some rule of that kind, we would spend years here listening to the arguments of gentlemen from all over the United States on every contested question coming before us. That is true of every legislative body; so it seems to me that it is a dangerous thing to establish a precedent of this kind.

The only question involved here is whether Senator Bankhead shall retain the seat he now occupies or whether a vacancy shall be declared. I see no reason why former Senator Heflin should be allowed to speak to the Senate, any more than why we should invite his attorneys or the attorneys on the other side of the matter to come here and address the Senate.

It is not because I would not expect them to make arguments probably better than any that have been made that I take this position. That is not the point at all. I have no doubt but that former Senator Heflin and many others who are not Members of the Senate could make very able and perhaps very convincing arguments from their viewpoints. If, however, we are going to admit outsiders—persons who are not Members of the Senate now—to address us on this subject, why do we confine it to one man, able though he may be, and all that? Why should not the doors be thrown wide open, and why should we not permit outsiders in general to come in here and argue this question?

If the Senate wants to do that, that is one thing; but that is what we are doing if we agree to this motion, as I look at it.

It seems to me that as a matter of law this motion, to be good, would have to lie over for one day unless it were taken up by unanimous consent, and would have to be passed by a two-thirds vote. The effect of agreeing to the motion would be to say that we must decide that gentlemen who are not Members of the Senate may address the Senate on this subject. It goes much farther than the action in the Vare case, because Mr. Vare was contending that he was entitled to the seat.

Mr. BORAH. Mr. President, Mr. Vare also held a certificate of election from the governor of his State.

Mr. NORRIS. He did; he had a certificate of election. He was permitted to speak by unanimous consent. To be perfectly fair, I think we ought to say that while Mr. Vare did have a certificate of election from the governor of his State, he was not admitted to the Senate; he was not a Member of the Senate. The resolution which was proposed was offered when he presented himself to be sworn in, although it is true that he had a certificate of election from the Governor of Pennsylvania.

I think Senators ought to vote on this question with an eye to the future, beyond what this particular motion means. If it were passed, and Senator Heflin were allowed to speak, and that would end it all, that would be one thing; but we are asked to take a step which, it seems to me, would come home to plague us, and if we were consistent we would have to permit people who admittedly were non-Members of the Senate to come before the Senate and address us on various questions which come before us.

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

Mr. NORRIS. I yield.

Mr. GLASS. Adverting to a statement made by the senior Senator from Arkansas [Mr. ROBINSON] as to the nature of the motion now under consideration, what more right has former Senator Heflin to speak on this question than any other citizen of Alabama who might be interested in having the seat declared vacant and might desire to become a candidate before the people for the Senate would have?

Mr. NORRIS. As far as I can see, he has no more right than any other citizen would have.

Mr. TRAMMELL. Mr. President, I feel that this is a motion incident to the consideration of the issues involved, and that it is not out of order.

What has been said in regard to some of the questions which have been before the Senate in the past is largely correct, but in making this motion I base it upon the precedent of the Senate laid down in the Yulee case, coming up from Florida in 1852, also a later case in 1892, and several other similar incidents.

In 1852 Stephen R. Mallory, of Florida, came to the Senate holding a certificate of election. Yulee came here and contested his right to the seat. The Committee on Privileges and Elections reported to the Senate and recommended the seating of Mallory. Thereupon Yulee asked for the privilege, as the contestant, of addressing the Senate. He was given that privilege, so the precedent states. He did not hold a certificate of election; he never claimed that he held a certificate of election. He was a party in the contest solely because he was the contestant.

I draw a distinction between a contestant in an election case and some individual entirely outside having nothing to do with it, just as I would draw a distinction in a litigated case before a court, where the plaintiff and the defendant have certain rights and certain privileges. Although the verdict may be against the defendant, he would have certain rights, within the discretion of the court, which some outsider would not have. I do not think there is any analogy between the privilege which may be extended to a contestant and the privilege which may be extended to some person entirely outside who has nothing to do with the contest. This Senate has repeatedly allowed a contestant to appear and address the Senate, but never an outsider.

Heretofore, as far as the records disclose, the unbroken precedent has been, where a contestant desired it, to allow him to address the Senate—not the person holding the certificate of election, as was true in the Vare case and in the Smith case. Of course, we have to resort merely to technical distinctions to hold that they had some right to address the Senate which a contestant would not have. However, in those cases the resolutions were amended after they were reported to the Senate. An amendment in one instance was proposed by the Senator from Missouri, Mr. Reed, I think in the Smith case, to give Smith the privilege of appearing before the Senate, although the Senate had denied him a seat, and refused him the right to be admitted to the Senate upon his certificate of election. A resolution was adopted allowing him to come and defend himself, and represent himself upon the floor of the Senate. I think in the other instance a motion was made to amend the resolution so as to accord that privilege to Mr. Vare, and that motion was offered by the senior Senator from Arkansas [Mr. ROBINSON] and was agreed to in that instance.

If we are to discriminate between a person holding a certificate of election and a person not holding a certificate, then the practice in regard to cases where there is a contest, so far as the privilege heretofore extended to a contestant is concerned, has invariably been that the contestant was permitted to address the Senate.

I desire to have placed in the RECORD an extract from the Precedents of the United States Senate appearing on page 522, under subdivision 2, Contestant Permitted to Explain at Bar.

This specifically cites two different cases. Then I find this in a note:

Many instances are in the Journal where the same privilege was granted.

I would like to have those who are opposing this motion to cite a single instance where such a request has been refused.

Mr. FLETCHER. Mr. President, I think my colleague ought to read those precedents. They are brief extracts.

Mr. TRAMMELL. I will read them. I just want to say, before doing that, that the precedents to which I have referred have not risen heretofore to plague anybody. The Florida precedent was set more than a half century ago, and in the 15 years I have been here I have heard of but one person addressing the Senate in connection with a contest, and that was Senator Vare, who was extended that privilege without, as I recall, a single objection. There has been no abuse, and it has not especially annoyed the Senate, and it has not plagued anybody. It has not opened the door to citizens outside who were not directly interested in a contest being invited to speak before the Senate. I know of no instance of that character. May I again repeat, I have made the motion based upon the precedent, feeling that there is no reason why we should reverse the precedent in this particular case. The former custom should stand. Why should we reverse the precedent in this particular case?

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

Mr. TRAMMELL. I yield.

Mr. NORRIS. Senator Vare claimed the seat himself, did he not?

Mr. TRAMMELL. Certainly he claimed it.

Mr. NORRIS. Senator Heflin does not claim this seat, does he?

Mr. TRAMMELL. In his contest he claims the right to be seated. The committee has recommended that Senator Bankhead be seated, and that question is now before the Senate for consideration, and the Senate has not acted on the committee's report. The question of whom the committee recommends to be seated or not seated is not involved at all in connection with the motion to allow a person the privilege of being heard. There are entirely two different questions involved.

Mr. NORRIS. The question involved is whether or not Senator Bankhead shall retain the seat he now occupies. If it is decided that he shall not, there will be a vacancy. That would not put Senator Heflin in.

Mr. TRAMMELL. I am not entering into the merits of the case. As I stated in the outset, I do not want my attitude in regard to the final vote on the merits of the case to be assumed by the motion I have made. My motion is not indicative of how I will vote on the final outcome at all. I do not wish it so understood. But answering the question of the Senator, the decison of the committee is not the decision of the Senate, unless the Senate sees proper to adopt that decision. If the Senate sees proper to amend the resolution which has been introduced, and provide that former Senator Heflin shall be seated as a Member of the Senate, the Senate has the right to do so; or it may simply reject entirely the resolution providing that Senator Bankhead be seated and formulate and adopt altogether a different resolution. The matter is undisposed of up to the present time as to the final action of the Senate on the main question.

I do not desire to prolong the discussion at all, but I will read, as suggested by my colleague, the precedents laid down in the Precedents of the United States Senate; and as far as I have been able to ascertain, this is the only expression upon the subject of the attitude of the Senate heretofore in cases of similar character. I read from page 522:

[32d Cong., 1st sess.; Journal, pp. 6, 622, 625, 648, 649, 650 (December 1, 1851, August 21, 23, 27, 1852)]

At the opening of this Congress, December 1, 1851, the credentials of Stephen R. Mallory, of Florida, were read, and Mr. Mallory took the oath prescribed by law and took his seat in the Senate Mr. D. L. Yulee contested his seat. The select committee having the case in charge reported (August 21, 1852) that Mr. Mallory was duly elected and entitled to the seat; and on August 27, the Senate, by a vote of 23 to 21, agreed to consider this report. The same day the Senate refused to grant leave to Mr. Yulee "to be heard in person at the bar of the Senate"; yeas 17, nays 29; but, when the resolution was amended, granting the contestant the leave to be heard "for two hours," it was agreed to by a vote of

yeas 31, nays 21. Mr. Yulee then appeared at the bar of the Senate and was heard. The resolution reported by the select committee declaring Mr. Mallory duly elected was agreed to; yeas 41, nays 0.

[52d Cong., 1st sess.; Journal, pp. 125, 127, 130 (February 25, 26, 29, 1892)]

The Senate resumed the consideration of the report of the Committee on Privileges and Elections on the contested seat in the Senate from the State of Idaho. Mr. William H. Claggett, the contestant, was given permission to occupy the floor and was given the right to speak not exceeding two hours. The next day the limitation as to the time allowed the contestant, William H. Claggett, was withdrawn. Mr. Claggett occupied the floor part of two days in his own defense. (See CONGRESSIONAL RECORD, pp. 1430–1432, 1445–1448, 1473, 1486, 1538–1544.)

(Many instances are in the Journal where the same privilege was granted.)

Mr. BORAH. Mr. President——

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

Mr. TRAMMELL. I yield.

Mr. BORAH. Does the precedent disclose the relationship of Mr. Claggett to the seat? My recollection is that Mr. Dubois and Mr. Claggett both held certificates of election from the legislature.

Mr. TRAMMELL. It does not disclose that information.

Mr. BORAH. I think it will be found that there was an election in the first instance as a result of which Mr. Dubois was given a certificate of election. Mr. Claggett claimed it was an illegal election. The legislature took up the matter again and elected Mr. Claggett, and my recollection is that both Mr. Dubois and Mr. Claggett held certificates of election from the secretary of state.

Mr. TRAMMELL. The precedents do not disclose that information. Of course, the precedent from which I read specifically states that Mr. Mallory held the certificate of election. A footnote to this case reads:

Many instances are in the Journal where the same privilege was granted.

I would not have presented the motion had it not been for the fact that the only source of information I have is the Precedents of the Senate, and under which it seems that it had been uniformly the custom to extend this privilege to the contestants, and a contestant who did not hold a certificate of election. I see no reason why it should be withheld in this instance, the former Senator from Alabama, Mr. Heflin, having expressed a desire to be given this privilege and his request having been brought to the attention of the Senate, as I previously stated, by the Senator from Louisiana [Mr. LONG] during last week.

Mr. SHORTRIDGE. Mr. President——

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

Mr. TRAMMELL. I yield.

Mr. SHORTRIDGE. Has the Senator been able to look into the RECORD or the Journal, and is he able to tell us the other precedents?

Mr. TRAMMELL. I have not gone into the precedents other than as cited in the volume of precedents which we use here as our guide for the procedure of the Senate.

Mr. SHORTRIDGE. I have heard that there are indeed seven such precedents.

Mr. TRAMMELL. I understand there are seven in number. I have not looked up the others. Within that number may be included the instance where the party accorded the privilege was holding the certificate of election, but wherever the question has arisen, and the certificate of election did not exist, the privilege has in every case reported been extended. I can not foresee where any harm can be done, and I do not see why the Senate should reverse the precedents. In the Yulee case they gave Mr. Yulee the privilege of the floor, but the final outcome was not changed, because in that instance the vote was overwhelmingly in favor of Mallory. But where the contestant desires the privilege, it does seem to me there is no reason why we should reverse the precedent, and accordingly I made the motion and hope it will be adopted. We may remember that the Senate is the tribunal of last resort and renders the final decision. The work and recommendation of the committee do not conclude the case. Only the action of the Senate is final.

Mr. McNARY. Mr. President, on Friday last the junior Senator from Louisiana [Mr. LONG] asked unanimous consent that former Senator Heflin might be permitted to address the Senate for two hours. At that time I objected to the unanimous-consent request. Since that time and at this time I have no reason to change my views. I still think it is a privilege which should not be accorded to the former Senator. I persist in the thought that the request is an unusual one and should not be accorded to former Senator Heflin or any former Senator or to anyone not a Member of this body.

I have not had the time to read the precedent cited by the Senator from Florida [Mr. TRAMMELL], but it seems to me that the Idaho case is not at all in point. It is true from what has been said of the Vare case that it is not in point. Mr. Vare came to the Senate with credentials from the governor which entitled him to a seat if objection was not made.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arkansas?

Mr. McNARY. I yield.

Mr. ROBINSON of Arkansas. May I point out also to the Senator from Oregon that the issue in the Vare case, raised when the certificate of election was presented, was one affecting the integrity of the Senator elect or one related to the question of personal corruption. Possibly that statement might be open to misconstruction. What I intend to convey, if I did not do so, is that the certificate of election which Mr. Vare held and presented was questioned because of the alleged participation by Mr. Vare in corrupt practices encompassing his election in the primary and in the general election.

Mr. McNARY. I am willing to accord all the substance that has been given by the Senator from Florida [Mr. TRAMMELL] to these precedents, but I am sure of one thing, that a bad precedent never makes a good practice. I do not care how many precedents heretofore established might be cited; in my humble opinion it is an unusual request and one that should be denied. Former Senator Heflin is not a party to these proceedings. I can not see how he would be interested in the title to the seat. As has been so well stated by the Senator from Nebraska [Mr. NORRIS], if the seat should be denied the present occupant thereof, in no sense could it go other than by appointment to former Senator Heflin. Therefore the former Senator is only occupying the position of a bystander. He may have an ambition to succeed to this seat, but he has no legal or moral right to it, and to permit the former Senator to come here and make a statement in his own behalf is, in my opinion, quite on a par with permitting the attorney for Mr. Heflin to come here or permitting anyone from the outside to do so.

I have no personal feeling in the matter other than the orderly procedure which should control the conduct of the business of the Senate. For the reasons I have attempted briefly to enumerate, I shall oppose the motion made by the Senator from Florida. Beyond that I am attracted by the attitude assumed by the Senator from Arkansas [Mr. ROBINSON], the Democratic leader, in questioning that this motion might be carried by a majority vote. Without a doubt, there are certain rules or practices that have grown into rules which permit only Members to address this body and any attempt to collide with or overthrow this rule or practice must necessarily be done by a two-thirds vote. In that position of the Senator from Arkansas I concur and submit the matter to the Presiding Officer.

Mr. BRATTON. Mr. President, the question has been discussed so fully and so ably that perhaps I can do no more than state my position with respect to it.

First, I concur heartily in the point of order raised by the Senator from Arkansas [Mr. ROBINSON] that the motion suspends the rule. It is an innovation of the rules. It

creates a different situation from that which ordinarily obtains in the Senate under the rules.

Mr. President, a fair interpretation of the full scope of the rules, their purpose, their intent, their object, would lead anyone to the conclusion that under the rules only a Senator can occupy the floor and address this body. Therefore the motion to extend the right to another, to an outsider, of itself constitutes a suspension pro tanto or an innovation of the rules of the Senate.

Would it be contended, under any express rule of the Senate or by any fair interpretation of the rules considered singly or collectively or by necessary implication or by fair implication or by tenable implication, it was intended by the Senate in making such rules that an outsider should occupy the floor? No. But now it is proposed to permit an outsider to occupy the floor and address the Senate.

Therefore, I concur heartily in the point of order and the view expressed by the Senator from Arkansas [Mr. ROBINSON] and the Senator from Oregon [Mr. MCNARY] that the motion operates to suspend the rules of the Senate. It transcends the spirit of the rules, if not their letter. Accordingly, I think it would require a two-thirds vote to adopt a motion of this kind.

In addition to that, and addressing myself to the merits of the motion, regardless of the precedents—and I think some of them can be distinguished from this case—I doubt the wisdom of adopting the proposed procedure. If it is adopted now, it must be followed in every contest case that comes hereafter where the contestant desires to address the Senate, whether he be a former Senator or an unsuccessful contestant who has never occupied the floor of the Senate. No distinction can be made between a contestant who is also a former member of the body and a contestant who has never served in the body. One should have no right over the other and so, if we take the step now, consistency will require that we follow it hereafter whenever a contestant asks the privilege of the floor.

Mr. President, no one wants to deprive a contestant of his opportunity to be heard. In this connection I close by saying that the contestant in this case has been given every opportunity to be heard. This goes to the merits of the motion and the individual conscience of each Member of the body.

Former Senator Heflin's counsel and the former Senator himself have addressed the subcommittee at great length. His attorneys addressed the full committee at great length. Indeed, on the argument of the case only 10 days ago, or thereabouts, counsel for the contestant addressed the full Committee on Privileges and Elections about five hours—until they completed their argument. It is true that I did not favor giving them that much time. Frankly, I think lawyers who argue a case five hours hurt their cause. It is too much argument. I favored reducing the time, but the committee gave counsel for the contestant five hours, and they argued until they had finished and ceased voluntarily. All of the argument is printed in the record of the hearings and subject to be read by any Member of this body.

So, Mr. President, a denial of this motion will not operate to proscribe the contestant in the presentation of his contentions in the case. Both upon the question of orderly procedure in the Senate and sound precedent to obtain in the future the motion should be denied. Transcending that consideration and approaching it from the standpoint of justice and equity and right toward the contestant, I think his rights will not have been injured and he will not have been denied an opportunity to present his argument in full by a denial of the motion. Accordingly I shall vote against the motion.

Mr. BORAH. Mr. President, was the Chair about to rule on the point of order?

The VICE PRESIDENT. The Chair was about to make a statement, but will be glad to hear from the Senator from Idaho.

Mr. BORAH. Mr. President, it is a little unpleasant to discuss the matter. The contestant has been a Member of this body. But it seems to me that we are called upon to decide it upon its merits.

I think in all probability the precedent cited about the Senators from Florida is in line, but I think it an unwise precedent.

Mr. BRATTON. Will the Senator from Idaho yield further?

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

Mr. BORAH. I yield.

Mr. BRATTON. I intended to call attention to one other phase of the matter. I am sure the Senator from Idaho will agree that the precedent does not disclose that the parliamentary question was ever raised. Apparently it is now raised for the first time. I think the Senator and I will agree as to that.

Mr. BORAH. That is probably true.

Mr. ROBINSON of Arkansas. That is correct, if the Senator from Idaho will pardon me.

Mr. BORAH. The precedent cited in the Florida contest seems to me to be in point, but, to repeat, I do not think it is a wise precedent. I am quite sure that the precedent cited from Idaho, from my viewpoint at least, is not in line. I am quite sure that the precedent as to Mr. Vare is not in line. Both those men appeared here with certificates of election, valid upon their face, entitling them to a seat in this body. My own view is that such a certificate entitled them to a seat until the matter was determined, and certainly placed the individual asking for an opportunity to be heard in a different position than that of an individual who has no call upon the seat which is in controversy.

In going through the record in this case, which some of us have done pretty thoroughly, I did not find any state of facts which would under any circumstances permit ex-Senator Heflin to have this seat in case it should be declared vacant so far as Mr. Bankhead is concerned. There would have to be an appointment or there would have to be another election in order to determine who is entitled to the vacated seat. Mr. Heflin appears, therefore, as any person who might have an interest in a question before this body might appear and ask to be heard. The fact that the controversy is over a seat in this body does not change the principle; he is simply interested in the subject; he holds no title to the seat, even should it be declared vacant. If we admit him to the floor and to address us, we are establishing the precedent that anyone vitally interested in a question might justly invoke.

Mr. SHORTRIDGE. Mr. President——

Mr. BORAH. I shall yield to the Senator in just a moment. So Mr. Heflin stands in the same relationship to this contest as would his attorney or anyone in Alabama who might be deeply interested in the subject—indeed, anyone who might be concerned as to the result of this controversy. I can see no different relationship between them and that which any deeply interested person might have. Now I yield to the Senator from California.

Mr. SHORTRIDGE. Will the Senator permit me to remark that it was argued, with great earnestness, that Mr. Bankhead never was legally a candidate for the Senate; that his name was not legally on the ballot when the general election took place? It was further argued, with great earnestness, by a very able advocate that the votes cast for Mr. Bankhead were to be regarded as null and void. It was further argued that Mr. Heflin was legally nominated; that his name was legally on the ballot; that the ballots cast for him were legal; and, thus briefly recalling the argument, the conclusion was urged that Mr. Heflin was the duly elected Senator from the State of Alabama.

Mr. BORAH. The Senator from California has stated what was argued, but what does the Senator think?

Mr. SHORTRIDGE. I answer with great frankness. I think that the nomination of Mr. Bankhead was illegal; that his name was illegally on the ballot. If that be so, and Mr. Heflin's name was legally on the ballot, the votes cast for him were legal and he was elected.

Mr. BORAH. Do I understand that the Senator from California thinks, in case the seat shall be declared vacant, that Mr. Heflin is entitled to take the seat?

Mr. SHORTRIDGE. My own individual opinion is that Mr. Heflin was duly elected Senator from the State of Alabama and, being so, should be admitted as the Senator from that State.

Mr. BORAH. Mr. President, I have read the arguments and the contention with reference to the right of Mr. Heflin to take the seat in case it should be declared that Mr. Bankhead is not entitled to it. I was proceeding upon the theory that that contention had been abandoned. For myself, I can find no justification in law for that contention. If Mr. Bankhead shall be declared not to be the Senator from Alabama, my opinion is that every other eligible candidate in the State of Alabama has the same right to this seat that Mr. Heflin would have.

Mr. SHORTRIDGE. Will the Senator pardon me further?

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

Mr. BORAH. I yield.

Mr. SHORTRIDGE. If Mr. Heflin were the only legal candidate and received a certain number of votes, does it not follow that he received a majority or, in this instance, I think, the total legal vote cast for a legal candidate, in which event I am suggesting that he is the duly elected Senator from that State? Of course, if the Senator from Idaho will pardon me a little longer, that assumes the validity of the argument that Mr. Bankhead was not a legal candidate and that all the votes cast for him were utterly null and void.

Mr. HASTINGS. Mr. President, will the Senator from Idaho permit me to ask a question of the Senator from California?

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

Mr. BORAH. Yes.

Mr. HASTINGS. I should like to ask the Senator from California, assuming the only legal candidate, as he contends Mr. Heflin was, should get only 1 per cent of the votes of the State of Alabama, does the Senator think the Senate would be justified in seating that candidate under any circumstances?

Mr. SHORTRIDGE. I do, if he had the other qualifications, because I do not reach the conclusion that the election was utterly null and void. No State shall be deprived of its representation here in the Senate; indeed, it may not be under the Constitution, and if it be that the only legal candidate received 20 per cent of the votes cast, he is nevertheless, in my humble opinion, the duly elected, if he be otherwise qualified, Senator from that State.

Mr. BORAH. Mr. President, I have been proceeding upon the theory that Mr. Heflin was not entitled under any circumstances to this seat in this contest. I venture to say that whatever the result may be with reference to Mr. Bankhead that will also be the determination of the Senate. I do not think there is anything in the record which would justify any other conclusion. So, Mr. President, I regard this matter in the same light as if a person wholly disconnected with the contest were here asking for an opportunity to be heard. I do not know upon what theory we can admit Mr. Heflin to the floor, and not establish the precedent that anyone deeply interested in a controversy here in the Senate may not have the right to be heard, whether upon the question of a tariff on oil or a tariff on coal or a tariff on lumber. His relationship to the controversy is no different, in my judgment, than the relationship of an individual who may be deeply interested in any other controversy. Therefore, Mr. President, whatever the precedent may be, I do not think that it ought to be followed or made the settled rule of this body.

The VICE PRESIDENT. The Chair has examined the record of the two cases cited by the Senator from Florida [Mr. TRAMMELL] and finds that the point of order was not raised in either of them. There is no rule of the Senate on the subject; and, therefore, the Chair submits to the Senate the question as to whether or not the motion of the Senator from Florida is in order.

Mr. ROBINSON of Arkansas. Mr. President, in view of the ruling of the Chair, I prefer to have the vote come directly on the motion of the Senator from Florida, and I withdraw the point of order.

The VICE PRESIDENT. The Senator from Arkansas withdraws his point of order. The question is on the motion of the Senator from Florida [Mr. TRAMMELL].

Mr. SHORTRIDGE. Mr. President, I had not intended to participate in this discussion but was prompted to inquire of Senators touching their views and in brevity to express my own as to one phase of the problem. I agree fully with the thoughtful Senator from Idaho [Mr. BORAH] that we should not be governed by precedents unless we be satisfied that they are wise precedents. The case which came up from Florida away back yonder in 1852, of course, is directly in point. I understand that there was a case that came from the State of Kansas in 1861, which is directly in point, where the contestant was permitted to address the Senate, no time limit being set, and that there are other cases aggregating, according to the memorandum before me, seven.

Mr. President, permit me to repeat what perhaps I said a few moments ago by way of answering questions propounded. It was argued before the committee that Mr. Bankhead—I will so refer to him for the moment—for reasons set forth was not a legal candidate of the Democratic Party as result of the alleged illegal primary held in the State of Alabama. It was argued by learned counsel, that his name was illegally on the ballot cast by the citizens at the general election following the primary. It was, of course, pursuing that line of argument, contended that all the votes cast for him at the general election were, in point of legal contemplation, null and void. Running in a sense parallel with that line of reasoning, it was argued that Mr. Heflin was a legal candidate, and that his name was legally placed on the ticket at the general election, and the conclusion was reached, that whereas all the votes cast for Mr. Bankhead were null and void, and whereas all the votes cast for Mr. Heflin were valid, that he, Mr. Heflin, was the legal choice of the people of that great and splendid State—was legally elected Senator. With great respect for other members of the committee, and with great deference to the learning of the Senate, I some time ago reached the conclusion that the line of reasoning of Mr. Heflin's counsel was sound and that his conclusion was correct.

I do not care to pursue the argument. I trouble the Senate for a moment merely to indicate my views. They may be erroneous; but I wish them to be understood by the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida.

Mr. ASHURST. I ask for the yeas and nays.

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

Mr. AUSTIN (when his name was called.) I have a pair for the day with the junior Senator from New Jersey [Mr. BARBOUR], whose necessary absence I have previously announced to-day. Knowing that he would vote as I intend to vote, I desire to vote. I vote "nay."

Mr. DICKINSON (when his name was called). On this question I have a general pair with the junior Senator from West Virginia [Mr. NEELY], who is absent. Not knowing how he would vote, I withhold my vote.

Mr. HATFIELD (when his name was called.) I have a general pair with the senior Senator from North Carolina [Mr. MORRISON]. I am informed that if he were present he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. HEBERT (when his name was called.) I have a general pair with the junior Senator from Louisiana [Mr. LONG]. In his absence I withhold my vote.

Mr. LOGAN (when his name was called.) I have a general pair with the junior Senator from Pennsylvania [Mr. DAVIS], who is absent. I transfer that pair to the junior

Senator from South Dakota [Mr. BULOW], and will vote. I vote "nay."

Mr. STEIWER (when his name was called.) On this question I have a pair with the senior Senator from Nevada [Mr. PITTMAN], who is unavoidably detained from the Chamber. In his absence I withhold my vote.

Mr. THOMAS of Idaho (when his name was called.) I have a general pair with the junior Senator from Montana [Mr. WHEELER]. In his absence I withhold my vote.

Mr. VANDENBERG (when his name was called.) On this question I am paired with the senior Senator from Virginia [Mr. SWANSON]. In his absence I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. COPELAND (when Mr. WAGNER's name was called). My colleague [Mr. WAGNER] is absent on official business. He is paired on this question with the Senator from Missouri [Mr. PATTERSON]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. He is absent from the city, and I am unable to secure a transfer. I therefore withhold my vote. If at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. WALSH of Massachusetts. My colleague the junior Senator from Massachusetts [Mr. COOLIDGE] is absent in Massachusetts. If present, he would vote "nay." He has a general pair with the Senator from Illinois [Mr. GLENN].

Mr. GEORGE. Upon this matter I have a pair with the junior Senator from Minnesota [Mr. SCHALL]. In his absence I withhold my vote.

Mr. FESS. I desire to announce that the Senator from Colorado [Mr. WATERMAN] has a general pair with the Senator from Montana [Mr. WALSH].

Mr. SHEPPARD. I desire to announce that the following Senators are necessarily detained from the Senate on account of official business:

The Senator from Virginia [Mr. SWANSON], the Senator from Mississippi [Mr. HARRISON], the Senator from Tennessee [Mr. HULL], and the Senator from North Carolina [Mr. MORRISON].

The junior Senator from Utah [Mr. KING] is detained from the Senate by illness. He has a general pair with the junior Senator from New Hampshire [Mr. KEYES].

The result was announced—yeas 33, nays 31, as follows:

YEAS—33

Barkley	Fess	Metcalf	Smoot
Bingham	Fletcher	Moses	Thomas, Okla.
Brookhart	Goldsborough	Norbeck	Townsend
Capper	Gore	Nye	Trammell
Carey	Hale	Reed	Walcott
Connally	Hastings	Robinson, Ind.	White
Costigan	Johnson	Sheppard	
Couzens	Kean	Shipstead	
Dill	La Follette	Shortridge	

NAYS—31

Ashurst	Bulkley	Hayden	McNary
Austin	Byrnes	Howell	Norris
Bailey	Caraway	Jones	Oddie
Black	Copeland	Kendrick	Robinson, Ark.
Blaine	Dale	Lewis	Stephens
Borah	Frazier	Logan	Tydings
Bratton	Glass	McGill	Walsh, Mass.
Broussard	Hawes	McKellar	

NOT VOTING—31

Bankhead	Glenn	Morrison	Thomas, Idaho
Barbour	Harrison	Neely	Vandenberg
Bulow	Hatfield	Patterson	Wagner
Coolidge	Hebert	Pittman	Walsh, Mont.
Cutting	Hull	Schall	Waterman
Davis	Keyes	Smith	Watson
Dickinson	King	Steiwer	Wheeler
George	Long	Swanson	

So Mr. TRAMMELL's motion was agreed to.

RECESS

Mr. McNARY. Mr. President, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 38 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, April 26, 1932, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 25, 1932

The House met at 12 o'clock noon.

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

For this brief moment, our Father, we would close the doors of our senses that we may be able to hear Thee within; to know the divine will, may this be our purpose. We wait on Thee, O God, but we have no terms to define Thy greatness. But stretch out Thy hand upon us, control our understanding, direct our spirits, and guide our wandering hearts. Do Thou inspire us with aspirations of soul, with lofty desires, and with gracious affections. Blessed God, make us bigger and better for the service to our country this day. Be Thou, Almighty God, with this Congress and guide it into the things that shall be for the stability of our times and for the welfare of our great people, and unto Thee be eternal praises. Amen.

The Journal of the proceedings of Saturday, April 23, 1932, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House to a bill and concurrent resolution of the Senate of the following titles:

S. 3570. An act to amend the act entitled "An act confirming in States and Territories title to land granted by the United States in the aid of common or public schools," approved January 25, 1927; and

S. Con. Res. 18. Concurrent resolution authorizing the printing of 3,000 additional copies of hearings held before the Committee on Manufactures on the establishment of a national economic council.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 8083) entitled "An act providing for the appointment as ensigns in the line of the Navy of all midshipmen who graduate from the Naval Academy in 1932," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HALE, Mr. ODDIE, and Mr. TRAMMELL to be the conferees on the part of the Senate.

ECONOMY

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker, when I was a little boy I had a chum named Jim Glibberson. He was a great fellow to make comparisons. He told me one day about going out to the fairgrounds to witness a horse race. There was great interest in the race—two horses from rival sections. But the judges could not get the race started. The riders of the horses jockeyed and jockeyed and jockeyed. Everybody was anxious for the race to start, because the clouds hung low, threatening rain, and finally the rain came while the riders still jockeyed, and they did not have any race at all.

I have been thinking, Mr. Speaker, about the jockeying between the White House and our Economy Committee during many waiting weeks and I am very fearful that the rain may come, and so I have decided to run a little race of my own. [Laughter.]

I have introduced this morning a little bill which will limit the salaries paid to the officers of the Federal reserve system and also the salaries of their agents and their attorneys and employees. I am told that some of those salaries run as high as $150,000 annually. My bill will do some real reducing.

Mr. McDUFFIE. Will the gentleman yield?

Mr. HOWARD. I yield.

Mr. McDUFFIE. I think the committee has already taken care of that proposal in the bill they are to present.

Mr. HOWARD. That is the most pleasing announcement I have had for some time, and yet is distressingly indefinite. It reminds me of the many conversations I had with Elizabeth before she consented to become my wife. She kept promising and promising all the time, but never could I get her to fix the day. [Laughter.]

Mr. McDUFFIE. Perhaps the gentleman had more to contend with than the Economy Committee had.

Mr. HOWARD. But I won out in the end. [Laughter.]

CLARA E. WIGHT

Mr. BLACK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3580) for the relief of Clara E. Wight, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, after "Wight," insert "or upon her death to her husband, if he survives."

Page 1, line 6, strike out "$3,360" and insert "$50 per month, in an amount not to exceed $3,360."

Page 1, line 6, strike out "her" and insert "their."

The Senate amendments were agreed to.

MERGER OF STREET RAILWAYS IN THE DISTRICT OF COLUMBIA

Mr. PALMISANO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 154, to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. THOMASON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. PALMISANO. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. Mr. Chairman, does anyone want time in opposition to the bill?

Mr. BOYLAN. I would like to have 15 minutes.

The CHAIRMAN. Is any member of the Committee on the District of Columbia opposed to the bill?

Mr. BLACK. One member of the committee dissented from the report of the bill, but he does not happen to be present.

Mr. SWING. Mr. Chairman, I ask recognition in opposition to the bill.

Mr. PALMISANO. How much time does the gentleman want?

Mr. SWING. I shall take whatever the rule gives me. I do not think that I shall use it all.

Mr. PALMISANO. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK. Mr. Chairman, for a great many years Congress has struggled with the problem of competing street railways in the Capital City, never coming to any definite conclusion as to unification. Washington presents the spectacle of the only large city in the country that tolerates competing street-railway systems. Competing street-railway systems are not in the interest of the public. For a long period of years mergers of various types have been suggested, so that the public would have the advantage of a unified street-railway system. The bill before us has the approval of the Bureau of Efficiency, has the approval of the District Utilities Commission, has had careful study of a subcommittee of the Committee on the District of Columbia, which reported to the full committee, and that committee again in turn went into the bill, approving it, has the approval of every civic organization in Washington on the basic idea of a merger, and has the approval of the District Commissioners. It is largely the result of research work conducted by an expert on transportation who was retained by the Senate committee, Dr. Milo R. Maltbie, of New York. Suggestions for a unified system as programed in this bill came largely from the mind of this great expert, an expert who is not only recognized as fully informed on utility matters, but also as a great liberal in connection with utility matters. Some objections have been made to various parts of the bill. The Senate committee has reported the bill with changes with which the House committee does not see fit to concur. There is a general public demand in the city of Washington that something be done about the conflicting street-railway systems.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. BLANTON. The charter of each one of these street railways provides that the railway company shall never charge the people of Washington more than 5 cents fare. That was a most valuable right that the street-railway companies received when they were given the exclusive privilege of placing their lines on the principal streets of the city of Washington. For years an attempt was made to hold them within their charter rights. I was hoping and praying that whenever the District Committee, which is a praying committee, did provide a merger, it would have a provision in the bill that would hold the railway to the charter provisions and come back to the 5-cent fare. If they would put on 5-cent fare to-morrow they would double and possibly treble the patronage they now enjoy. It would increase their revenues rather than diminish them, but when we proposed a reduction in street-car fares to half fare for children, they said they could not stand it. Finally, Congress woke up and forced them to a 3-cent fare for 70,000 school children in the city of Washington. Will not the committee agree to an amendment that will hold them to their charter rights?

Mr. BLACK. Mr. Chairman, the District Committee at the present time is a praying and a hoping committee, and in their prayers and in their hopes they are joined by all of the residents of Washington and all the large civic groups of Washington, that a merger bill pass, because of its manifest advantage to the people of the District. The fare question is a question that will be taken care of in due time in a regular, orderly way after a proper valuation under court direction by the Utilities Commission.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. COLE of Iowa. What is the attitude of the two corporations toward the bill?

Mr. BLACK. The two corporations involved will accept the bill.

Mr. BLANTON. And that is one of the reasons that I am against it.

Mr. LAGUARDIA. What about the stockholders?

Mr. BLACK. It is anticipated that they will accept. It has not yet been put up to them.

Mr. GIBSON. How much of the money burden is shifted from the street-railway company to the District by this bill?

Mr. BLACK. I am coming to that in the course of my remarks.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. SNELL. I do not know about the details of the bill, but I know it has been before Congress for a great many years. I do not know who the stockholders are or who owns these railroads, but I know in the interest of economy and efficiency, as far as the city of Washington is concerned, they ought to be under one management, and I think if this bill properly carries that out and protects the interest of all of the people concerned, it is a proper bill and ought to be passed at this time.

Mr. LAGUARDIA. How about the 7 per cent dividend arrangement in the bill? That is hardly in keeping with the trend of the times, is it?

Mr. BLACK. The whole rate question is going to be decided purely and simply as a rate question.

Mr. LAGUARDIA. I speak of dividends.

Mr. BLACK. Without regard to the capital structure that is lined up here. The people of the District are concerned with the convenience involved and the efficiency of the service and the ultimate fare, which will be predicated on a proper valuation made according to law.

The itemized advantages to the people of the District are first, free transfers from line to line, from street railway car to street railway car, something that does not exist at the present time.

There is now one line north and south, crossing two other lines. There are two lines east and west, and parallel to each other, owned by different companies. The line crossing them is owned by one of the two parallel companies. It only transfers to its own company. It does not transfer to the other company. The people of the District are insistent on this transfer.

There is another situation where one of the car lines will be going on a route to a certain place and it will strike the line of another company and will have to go around a couple of blocks to get back to its own line. Those extra tracks will be eliminated. One company's cars will be able to go over the other company's tracks, making the route shorter, making it more convenient for everybody.

The National Park and Planning Commission has this to say about the street railway situation in Washington:

> In order to coordinate the study of the highway system with the problem of transfers on the streets, a careful study of the street railroad system has also been made. It is believed that because of many characteristics the street railroad system gives a less effective service than would be possible if the existing lines could be combined in such way as to be operated practically as one unified system.

There is the National Park and Planning Commission's statement about this.

Taking all the car routes and adding together the number of turns that a car making a round trip on each would have to make, the National Park and Planning Commission found there are 340 right-hand turns and 330 left-hand turns.

There is also unnecessary duplication and paralleling of lines. It is evident that such conditions are not conducive to the greatest convenience of the public nor to ultimate economy of operation. The initial study of the commission has indicated the possibility that by building approximately 6 miles of new lines and abandoning some 16 miles of old track which now has to be maintained, there could be eliminated 180 right-hand turns and 160 left-hand turns.

The CHAIRMAN. The time of the gentleman from New York [Mr. BLACK] has expired.

Mr. PALMISANO. Mr. Chairman, I yield to the gentleman from New York 10 additional minutes.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLACK. I yield.

Mr. STAFFORD. I am sure the House would be interested in receiving an explanation of the obligation that now pertains on the part of the Potomac Electric Power Co. in furnishing electric power to the Washington Railway & Electric Co. Under the agreement that has been proposed that right is to be terminated at a certain definite time. I notice there is a difference in the report on the House bill and the Senate bill on that particular question. It is a mooted question. Will the gentleman explain just what the obligation is to-day of this Potomac Electric Power Co. to the Washington Railway & Electric Co.?

Mr. BLACK. I would rather prefer to take that up when we come to the bill.

Now, it is perfectly obvious that there can not be two telephone companies running wires through the streets of the city, or three telephone companies or three water companies. It is just as absurd in this day and generation to have two separate street-railway lines running through the streets of a large city. They can not properly serve the people.

The basic effort made here is to bring about a unification for the service of the people of the District of Columbia.

Mr. McLEOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McLEOD. I would like to inquire what is the status of the time?

The CHAIRMAN. There is no limitation on the time.

Mr. McLEOD. In other words, it will be possible for me to be recognized in this matter?

The CHAIRMAN. The gentleman is a member of the committee and will be recognized.

Mr. BLACK. Ultimately the people of the District will benefit by the economies that the company is expected to put into operation as a result of the merger. The cutting down of unnecessary overhead, the doing away with unnecessary trackage, cutting down the capital structure, all those economies will permit the companies to give the people of Washington better service, first, by proper routing, and, second, by providing better equipment that can be purchased as a result of the economies.

Mr. PATTERSON. Will the gentleman yield?

Mr. BLACK. I yield.

Mr. PATTERSON. What about reducing the street-car rates?

Mr. BLACK. And ultimately it is hoped that something may be done about giving the people better rates of fare. That all depends on the effectiveness of the economies.

Mr. PATTERSON. I am afraid that the hope is just a glamour.

Mr. BLACK. The employees of the street railways want this bill. The street railways in Washington are faced with very desperate competition; are faced with loss of revenue, and ultimately, if their financial situation grows much worse, the employees of the street-railway companies are faced with the loss of their jobs. The employees of the railway companies see in the merger the salvation of the companies, and as well, their own salvation.

I sat through all the hearings. There has been nobody before the committee or before the subcommittee who has objected to the idea of a merger. Not one single organization, not one single witness, nobody in Washington has denied the need of a merger.

There have been various suggested amendments. Some people fear giving the power of the street railways to one particular group. The committee has adopted an amendment providing that nine of the directors of the new company must be residents of the District of Columbia. It is thought that with nine resident directors the best interests of the city of Washington will be served.

There have been attempts made to tack on to this bill changes in the existing situation. Our committee looked at the picture originally and they saw two railways with existing rights.

They saw two railways presenting a system of competition that was a public nuisance. The committee decided to take the existing picture, the existing status of the two companies as far as their rights were concerned, and merge those rights without giving them much added power but eliminating the nuisance, except that involved in the merger.

The committee tried its level best to preserve the existing public utilities law and the Public Utilities Commission and all the safeguards surrounding the operation of railways in the District.

The committee was unwilling to interfere with the present rights of the railway companies. The committee was unwilling to change generally the public utilities law. The committee was unwilling to accept the various riders proposed.

A great number of gentlemen appeared before the committee and wanted to see the merger adopted but they had fears, they saw ghosts, they saw a great hobgoblin of a great street-railway system unified. They were unnecessarily disturbed about it. The committee looked at the requirements of the people of Washington. It looked at the possible fate of the employees of these railways. It looked

at the condition of the stockholders in the smaller company, who are losing their investments day in and day out because of the competition that prevails here.

Now, on the power question generally: The committee thought that the contract between the Washington Railway & Electric Co. and the power company was a very valuable contract which should insure to the benefit of the new company. That is the reason the committee did not see fit to accept the Senate amendment that would have abrogated that contract. Another reason why the committee did not see fit to accept the Senate amendment was because it was a contract, and the committee felt it would be doing something unconstitutional if it interfered with that contract.

One of the main questions that came before our committee was the question of the liability of the merged company in operating taxicabs. Some members of the committee thought they should have the right to operate taxicabs.

Mr. PATMAN. Will the gentleman yield?

Mr. BLACK. Yes; I yield.

Mr. PATMAN. I would like to ask the gentleman about the 3-cent fare for school children. It is my understanding there was an act passed in 1931 granting this reduced fare. Mr. John J. Noonan, who was the largest minority stockholder in one of the concerns, I understand advocated that fare. Will the gentleman discuss that?

Mr. BLACK. I will get to that later. The committee has amended the bill as originally presented by the Public Utilities Commission to the effect that the merged company is absolutely barred from operating taxicabs in the District of Columbia. All they can do is to operate the trolley cars and operate busses. They can not operate taxicabs. They may engage in any form of operation that takes care of mass transportation; they can not take care of the individual who wants to go to a certain specified place, but they can take care of the individual who wants to travel with the public along certain defined routes. That is all the railway company may do.

Mr. SNELL. Will the gentleman yield?

Mr. BLACK. I yield.

Mr. SNELL. I have been informed there is no opposition on the part of any of the people of Washington to this merger. Is that correct?

Mr. BLACK. There is nobody opposed to the basic idea of a merger. Nobody is opposed to the underlying structure of this bill. There have been various amendments offered, some of which have been accepted. There have been other amendments offered that had their foundation in fear. There have been other amendments offered to inhibit the public utilities from running this merged company. There have been other amendments offered making Congress a public-utilities commission. There have been other amendments offered making Congress the operator of a street-railway system in the District of Columbia. All of those amendments were rejected.

Now, on the question of fare for children. There was a law passed making that fare 3 cents. That has been taken into the court. It is still pending in the court. The committee could not see the wisdom of again putting that in the bill. It has not been decided as yet. If the court says the 3-cent fare stands, then it will apply to the merged corporation as well as it applies to the individual corporations. If the court says the 3-cent fare is unreasonable and unconstitutional, we can not make it any more reasonable or constitutional by putting it in the bill.

[Here the gavel fell.]

Mr. PALMISANO. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. BLACK. On the school-children question, there is this direct benefit to the school children: They are given free transfers as well as adults. When the Utilities Commission gets a decision from the court, and if the court gives them any latitude as to differentiating in rates as to children and adults, the Public Utilities Commission having before it a unified system, with the resulting economies, and having in mind the scheme and purpose of the merger, it is hoped the Public Utilities Commission will bring about a reasonable reduced fare for school children which will stand the test of the courts. Anything in the bill on that question would be an inhibition on the power of the Utilities Commission.

Mr. ARENTZ. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. ARENTZ. This bill provides for the elimination of any payment on the part of the railway company of the salaries of crossing policemen. I understand that amounts to $125,000 a year. Also the question of paving will be eliminated on the part of the merged company, which amounts to over $300,000.

Mr. BLACK. There is a question as to the amount in both of those instances, but on the principle involved there is no other city in the country that makes a railway company pay for policemen. The policemen here are a part of the regular police force and they are paid for by the railway companies. There is no other city in the country that requires any railway company to pay its police force.

The District Commissioners and the Public Utility Commissioners and every civic organization and everybody concerned with the bill are for the elimination of the obligation of the corporations to pay for these crossing policemen.

Mr. ARENTZ. Is that on the basis that the railroad companies are not making enough dividends and we are going to give them $125,000, or is it on the basis of cutting down the fares?

Mr. BLACK. First, it is on the basis that it is absolutely an unsound relationship existing between the utility company and the municipality; and, second, it is an unfair and unjust charge on the utility company, consequently it is unjust to the stockholders and to the riders of the street cars and should be eliminated, with the idea and the definite hope of giving the possibility of success to the merger. It is a District contribution.

As a matter of fact, if I had my way about it and followed it through, I would seek remuneration for the companies for every cent they have paid to crossing policemen.

Mr. ARENTZ. You have only to ride on the street cars in the city here to see the necessity of crossing policemen, and providing crossing policemen has been in the interest of the street-car companies.

Mr. BLACK. The same situation exists in every city. It is in the interest of every automobile driver and everybody that lives in a house here in the city. There is no question about it. It is not in the special interest of the street-car companies.

Mr. ARENTZ. Will the gentleman give me his ideas about the paving business?

Mr. BLACK. I shall give the gentleman the figures on the paving proposition after I have looked at them again.

The tendency with respect to the paving proposition on the part of municipalities throughout the country is to assume the cost of paving. The burdening of street railways with paving cost is a relic of the old horse-car days, when everybody believed, and probably rightfully so, that the old horse cars destroyed the pavements and therefore the companies as the operators of the horse cars should pay for the pavement contiguous to the tracks. Now there is a new situation, and we do not see any horses on the street any more and we do not have any more horse cars. Streets have to be paved and they are going to be paved whether the railroads are there or not or whether the tracks are there or not. They are going to be paved because of the demand of the automobile owner that they be paved. It is in his interest. The street railways are not destroying pavements. Pavements are being worn down by everything that goes over them, and the committee accepted the original viewpoint of the Utility Commission that the companies should be relieved of the charge because this, too, is in line with the policy of practically every city in the country in its relationship with street-railway companies.

Mr. ARENTZ. How about replacements?

Mr. BLACK. One of the greatest menaces to the economic welfare of America is the gradual crushing of the

utilities in our cities, and the advanced thought is to bring about cooperation.

[Here the gavel fell.]

Mr. SWING. Mr. Chairman——

The CHAIRMAN. Is any member of the committee opposed to the bill?

Mr. McLEOD. Mr. Chairman, I ask recognition.

The CHAIRMAN. Is the gentleman from Michigan opposed to the bill?

Mr. McLEOD. I am in favor of the bill.

The CHAIRMAN. Is any member of the committee opposed to the bill?

Mr. STAFFORD. Mr. Chairman, I think a member of the committee is entitled to prior recognition, whether opposed to the bill or not.

The CHAIRMAN. Unless there is some member of the committee opposed to the bill, the gentleman from Michigan is recognized.

Mr. McLEOD. Mr. Chairman, may I ask for what time I am recognized?

The CHAIRMAN. The gentleman from Michigan is recognized for one hour.

Mr. LaGUARDIA. Mr. Chairman, the gentleman from California was recognized for one hour. The gentleman from Michigan has not qualified as being against the bill.

Mr. STAFFORD. That is not at all necessary, Mr. Chairman. This is not Calendar Wednesday. We are proceeding under the general rules of the House, and members of the committee are entitled to prior recognition.

The CHAIRMAN. The Chair was undertaking to alternate between those for and those opposed to the bill.

Mr. BOYLAN. Mr. Chairman, the Chair submitted the interrogatory as to whether there were any Members opposed to the bill, and none appeared. Therefore the gentleman from California received time from the Chair. The RECORD will show this.

The CHAIRMAN. The Chair will recognize the gentleman from California [Mr. SWING] in opposition to the bill.

Mr. SWING. Mr. Chairman, I yield myself 15 minutes at this time.

Mr. Chairman, as has been stated, the matter of the merger of these traction companies has been up for years. There is no question at all but that there should be a merger. The question this committee and this House will have to decide when they get to the consideration of this bill section by section is whether or not this particular proposal for a merger is in the interest of the public or in the interest of the corporations. This will be made evident as debate goes on and as the bill is considered.

On next Wednesday there will be introduced another kind of merger bill from the Economy Committee.

I believe in some of the mergers in that bill, but those mergers must also be considered as to whether or not they are in the interest of efficiency or whether they are the result of hysteria.

I believe in economy, but I want to talk to you to-day for a few minutes regarding what I consider the poorest place in the world to economize, and that is upon the compensation due honorably discharged veterans of the World War who lost their health and suffered injuries fighting for this country.

GENERAL HINES, ADMINISTRATOR OF VETERANS' AFFAIRS, OPEN TO CRITICISM

I am surprised that the head of the Veterans' Bureau, sworn to administer the law in behalf of these veterans and who, in a way, is the trustee and guardian of these disabled veterans, should have been the first one to propose that the pay of his wards was a proper place to start balancing the Budget.

I can admire a Secretary of the Navy who fights for his organization, I can admire a Secretary of the Interior who believes his work is the most important in the Government and who fights for it, because unless a man believes in what he and his department is doing and will fight for it he has no right to be at the head of it. The Administrator of Veterans' Affairs ought to be fighting to protect the interests of those dependent on him instead of betraying them.

I can recall a picture on a war-time poster of an American mother in Red Cross garb stooping to pick up a wounded soldier on the battlefield to carry him to where his wounds could be taken care of.

The Veterans' Bureau was created as the successor of this great angel of mercy, the American Red Cross, to continue, after the war, the work of caring for these disabled veterans. Can you imagine the head of the Red Cross saying to the American people during the war, "You are doing too much for the boys over there—better go a little slow on your giving." And yet the head of the great Veterans' Bureau comes to this Congress with the proposal to take $80,000,000 from his wards, the disabled veterans. Why, the proposals of the gentleman shocked the none too tender sensibilities of the Economy Committee. Even they could not and would not put his program in their bill without toning it down.

ENACTMENT OF "PAUPER CLAUSE" IN PENSION LEGISLATION UNJUST AND UN-AMERICAN

First, is this pauper clause proposed to be written into the law.

Those who were injured during the war can only be compensated, provided they can bring themselves into conformity with the so-called pauper clause. I say it is shameful and humiliating for this great American Republic, the richest nation in the world, to put that requirement in its pension laws when we have knowledge of the fact that during the World War more millionaires came into being than in all the preceding history of our country. It is disgraceful for us now to say that we have to balance the Budget at the expense of the disabled veterans, when we refused to apply the graduated income tax to those who made great fortunes out of the war.

UNFAIR TO MAKE VETERANS PAY FOR THEIR HOSPITALIZATION

Then there is the proposal that hereafter veterans who have no dependents shall have their compensation reduced to $20 while being hospitalized. The result will be that the veterans will be compelled to pay for their own hospitalization hereafter, which has never been the policy heretofore.

In order to take full advantage of this proposal, for a reduction to $20, General Hines proposes that he be given the power, if a man is incompetent, to say he must go to a veterans' institution, even if his guardian, appointed by a State court, thinks his best interest would otherwise be served. The economy bill will give the bureau the power to say that the veteran must go in, notwithstanding he is being well cared for by his parents, wife, or legal guardian; and if he does not go, his compensation is cut to $20. I say that is a violation of the sovereign rights of the States and a violation of what is best for the man himself.

PROPOSAL PUTS PREMIUM ON DELAY IN DECIDING CLAIMS

Another provision of the economy bill is to have the Government save money by being slow in deciding veteran cases. The language limits the time for beginning payments on a claim to six months prior to the decision. What possible relevancy can the date of the decision have? The date of the beginning of the disability, the date of the filing of the claim, or even the date of filing of the proof, but never the date of the decision—that merely puts a premium on delay on the part of the bureau. There are thousands of claims for permanent and total ratings now pending. Most of them have been pending a year or more. At present rate of action the bureau will be another year in deciding this group. On what principle of justice can you penalize the claimant for the slow action of the Government?

REPEAL OF PRESUMPTIVE RULE AND REOPENING ALL EMERGENCY OFFICERS RETIRED CASES UNFAIR AND UNJUST

Then, again, comes the provision with reference to emergency officers, which takes away the presumptive connection given in many cases. That particularly is operative against N. P. and T. B. cases. The World War produced physical disabilities that medical science had not known of; and also because of the hurry of the war and the inability to keep records, it came about that it was impossible to prove many

of these cases as directly the result of the World War. Congress recognized this situation and enacted certain presumptions for the benefit of the veterans, but all of the provisions which Congress has wisely determined was proper to be applied in connection with these N. P. and T. B. cases are now to be wiped out.

Then, too, all retirement cases are to be reviewed by the Veterans' Bureau, no notice is to be given, and no opportunity to be heard, but they are to be reviewed automatically. There are no two rating boards that can possibly rate the same case in exactly the same way. No two surveyors can run a line a mile and arrive at exactly the same point, and there is no yardstick to accurately measure suffering and injuries. Therefore, you will have the confusion of two successive boards rating the same case—one finding the man 30 per cent disabled and the other possibly less than 30 per cent disabled.

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. SWING. Yes.

Mr. GARBER. Does the gentleman mean to say that it is recommended that all cases shall be rerated and reappraised as to the amounts allowed?

Mr. SWING. Every case under the emergency officers' retirement law is to be taken out and rerated by new boards.

STRANGE PROPOSAL TO LEGISLATE CHANGE OF HISTORICAL DATE OF ENDING WORLD WAR

Then we have the proposal to fix the end of the war at the armistice. That never has been done in any war before. Why should we not take at least the signing of the treaty of Versailles and its ratification by Germany as the end of the war? Gentlemen know that there was no relaxation of our forces following the armistice until we knew that the treaty of Versailles had been signed and was ratified by Germany. Up to that time a renewal of war was always a possibility, and it was necessary to maintain military vigilance up until that moment.

COURTS OF JUSTICE DENIED RIGHT TO LEARN FACTS IN INSURANCE CASES

Next comes the strangest proposal of all, and that is when a suit is filed upon an insurance policy, the courts, although called upon to decide the merits, are to be prohibited from ascertaining the facts. It is provided in the economy bill that the courts of justice can not hear any evidence except that which has been first presented to the Veterans' Bureau. Under the law a veteran can not hire a lawyer to help him prepare his case for the Veterans' Bureau. He has to depend upon laymen and upon his own ingenuity. When he finally gets into court, and has the benefit of a lawyer, the lawyer will be of little use to him if this provision becomes a law. The plaintiff must submit to the Veterans' Bureau every bit of evidence that he intends to use in the case, and let the Veterans' Bureau have the benefit of that knowledge in fighting the case in court. There is no corresponding provision that the Veterans' Bureau submit to the veteran the evidence which the Government proposes to offer in court. Think of the ridiculous one-sidedness of that.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SWING. Yes.

Mr. BLANTON. Does the gentleman know that Martin & Martin, of Chicago, have about 1,500 such cases and that another firm has 1,700 of them?

Mr. SWING. No; I do not know that. What I object to is having one from of law and regulation and procedure for the trying of insurance contracts if the Government has issued them, and having an entirely different set of laws and rules for trying insurance cases if the insurance is issued by a private corporation. What possible basis can there be for that if we are going to deal justly with the veterans? The Government is in the business of insurance—why should not the insurance cases of the Government be tried by identically the same rules as those of a private corporation?

VETERANS REFUSED RIGHT TO APPLY ON OVERDUE INSURANCE PREMIUMS MONEY SUBSEQUENTLY FOUND TO BE DUE THEM FROM GOVERNMENT ON COMPENSATION

Finally comes the last and most shocking provision of all, which is to repeal section 305, which provides that if a veteran has defaulted on the premiums of his insurance and it subsequently is determined by the Veterans' Bureau that during that same period of time the Government was owing him more money on compensation than he owed the Government on the insurance, it should not declare a forfeiture against him, because the Government's own default in not paying him was the reason he was unable to pay the Government. If there ever was a just provision of law, that is it; and I do not care how far we have fallen in the matter of having to have money, the time has not yet come when the Government should take advantage of its veterans and say it will declare a forfeiture on his insurance premium because he failed to pay, while the Government admits that during the same period of time it owed him more than he owed the Government.

DISHONORABLE FOR UNITED STATES TO REPUDIATE ITS HIGHEST MORAL OBLIGATIONS TO DISABLED VETERANS

So, in closing, when this matter comes up on Wednesday let us realize that the breaking of a moral obligation is more to our shame than the breaking of some legal obligation. Here is a debt of honor that we owe the disabled veterans of the World War; and after we have solemnly enacted laws and after the cases have been fully considered and determined and a rating given, are we now to turn our Government into an Indian giver and take back from these men the things that we have promised them and which we said were rightly due and owing to them? I beseech you on Wednesday when this matter comes up to vote against economizing on the crippled soldiers, to vote against repudiating the obligations of the Government due the disabled war veterans, and thereby protect the honor and the self-respect of our country.

I reserve the remainder of my time.

Mr. McLEOD. Mr. Chairman, I want to bring the fact before the committee that the question of merger of street railways is a pending matter of about 25 years. It has been discussed pro and con for that period of time. In 1913 the La Follette Antimerger Act held up the merger. This act later was found not to pertain to such corporations as street-railway or transportation lines, and was thereby eliminated from discussion opposing this form of merger. During the past six years in Congress, especially the last four in the District of Columbia Committee, lengthy hearings have been held, and the only question of debate, of a serious nature, was the question of valuation. The question of valuation was injected into the bill by providing a valuation for these companies of $55,000,000. It was termed by certain individuals as an unfair valuation. So the result is that the bill before us to-day has eliminated the question of valuation. The matter of a valuation is now being settled by the Public Utilities Commission, where it rightfully belongs.

The next question was not of a very serious nature—it was a question of street-car fares for school children. This was considered to be a question separate from that of merger, and was therefore enacted in an independent bill. The reason that that question does not now appear in this legislation is because the committee and Congress saw fit to fix a rate of fare of 3 cents or less for school children in the District of Columbia, and that case is now pending in the District court and will be settled later.

I have sat on the committee during those four years and can honestly say there is no opposition to this bill in the District of Columbia by groups, organizations, or newspapers. This bill is satisfactory to the companies and to the people.

Mr. GIBSON. Mr. Chairman, will the gentleman yield?

Mr. McLEOD. I yield.

Mr. GIBSON. I think we all recognize that the gentleman has given faithful service on the District of Columbia Committee. I presume the gentleman is in a position to give me some information. Is it true that the street-railroad companies are not owned by interests here in Washington but by the North American Co., one of the great New York holding companies?

Mr. McLEOD. It is possible that the North American Co., as do other companies and other individuals, owns certain stock of these companies.

Mr. GIBSON. Are not both street railroads absolutely under the control of the North American Co.?

Mr. McLEOD. I can not answer that question, and moreover we are not interested to-day as to who owns stock in the street railways or the North American Co.

Mr. GIBSON. Now, there was a merger bill before the committee and before the House some three or four years ago. The gentleman has called attention to the fact that the question of fixed valuation was left out of this bill. In what other respect does this bill differ from the old bill which the committee and the House considered?

Mr. McLEOD. Right in line with the question which the gentleman has in mind, I will say that this bill, as amended by the committee, provides that a majority of the directors of the new company must be residents of the District of Columbia. This should satisfy the query the gentleman has in mind.

Mr. GIBSON. But what difference does that make, if the companies are absolutely under the control of the North American Co.?

Mr. McLEOD. Well, if that is the fact I would say they are not in control of an outside corporation, if the directors are residents of the District of Columbia.

Mr. GIBSON. The gentleman knows how easy it is to control this matter of directors. Now, will the gentleman tell us the amount of added cost to the taxpayers of the District of Columbia by reason of the fact that the cost of traffic policemen and paving is placed on the District government?

Mr. McLEOD. In the neighborhood of two or three hundred thousand.

Mr. GIBSON. That is, the railroad companies would be relieved of that amount?

Mr. McLEOD. Yes, sir.

Mr. GIBSON. And that burden would be put on to the taxpayers of the District of Columbia?

Mr. McLEOD. That is correct, and that is where it belongs.

Mr. UNDERHILL. Will the gentleman yield?

Mr. McLEOD. I yield.

Mr. UNDERHILL. Why should it not be put on to the taxpayers? Why should the companies have to pay for police officers for your benefit and for my benefit and for the benefit of the riders?

Mr. GIBSON. Because it is in the law fixing the business relations between the street railroad companies and the District of Columbia. It is in the nature of a binding contract.

Mr. UNDERHILL. But conditions have altered materially since the contract was entered into.

Mr. GIBSON. Oh, yes; but the fact has not altered.

Mr. McLEOD. It is also a fact that under the original charter they were required to operate horse cars.

Mr. HOLADAY. Will the gentleman yield?

Mr. McLEOD. I yield.

Mr. HOLADAY. Is the provision with reference to policemen in the charter, or is that a matter of agreement between the city and the company, that the company would furnish these policemen and pay for them if stop lights were not installed?

Mr. McLEOD. It is a matter of law.

Mr. HOLADAY. I am asking for information. It is my understanding that that provision is not in the charter and has simply been a matter of agreement between the companies and the city.

Mr. McLEOD. That may be possible; but in answer to the gentleman from Vermont I will say there are no cities under 300,000 population that make it mandatory that the street railways assist in the payment of traffic policemen to-day.

Mr. GARBER. Will the gentleman yield?

Mr. McLEOD. I yield.

Mr. GARBER. The gentleman has given a great deal of study and investigation to this subject, and I am sure is making a very informative speech.

As I look at it, two of the major principles involved in the consideration of this bill are, first, a fair and reasonable return on the capital invested, and second, just and reasonable rates to the public. I understand that one of the provisions of this bill protects the public. That provision is paragraph 5 of the bill, on page 7:

> That the original bonded indebtedness and stock liability of the new company shall not be in excess of the total amount of the stocks, certificates of stock, bonds, or other evidences of indebtedness then outstanding against the Capital Co. and the Washington Co.

That seems to me to be a very protective provision to prevent excess capitalization.

Mr. McLEOD. That was the purpose of it.

Mr. GARBER. And it protects the rate base on which the fares and charges will be fixed to the patrons.

Mr. SNELL. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. SNELL. Is it not a fact that the Public Utilities Commission in the District has ample power and authority to protect along all lines?

Mr. McLEOD. Absolutely.

Mr. SNELL. Nothing can be done without its permission?

Mr. McLEOD. That is correct. That was the principal question that caused the committee considerable trouble in its early hearings, and it was agreed by the committee that if the Utilities Commission did not have adequate power and authority and could not settle the question involved in the matter of rates, then that commission should be replaced by another commission.

Mr. SNELL. From the gentleman's investigation he feels certain that the Public Utilities Commission in the District has ample authority to do this?

Mr. McLEOD. Yes; the Utilities Commission has testified to that fact, and their statement is quoted in the hearings.

Mr. GILBERT. Will the gentleman yield?

Mr. McLEOD. Yes.

Mr. GILBERT. Following what the gentleman from New York has asked and what the gentleman from Massachusetts has suggested, the savings, for instance, to be made by transferring the pay of policemen from street-car riders to the public generally, where it naturally belongs, will under proper administration by the Public Utilities Commission result in a lower street-car fare.

Mr. McLEOD. It should tend to do this.

Mr. GILBERT. And, after all, those questions will land where they belong—before a proper public-utilities commission. There is no such thing as a company separate from its riders and stockholders. You are not relieving the people of Washington when you put this cost on the taxpayers. You are simply transferring it from the street-car riders, who are also citizens of Washington, to the general public of Washington.

Mr. McLEOD. That is correct.

Mr. SNELL. The gentleman takes the position that the Public Utilities Commission has ample power and authority to adjust and regulate these matters and protect both the people and the company?

Mr. GILBERT. Certainly. There is no reason why street-car riders should pay for policemen for the general public.

Mr. SNELL. I can not see any reason.

Mr. GILBERT. If the Public Utilities Commission exercises its proper functions, that would be the probable and natural consequence.

Mr. McLEOD. When the question of reduced car fares for school children was up in Congress, the Public Utilities Commission admitted, and it is a matter of record, that in the event a street-car fare of 3 cents or under damages to any degree the companies involved, the Utilities Commission had the right to adjust the fares for adults.

Mr. KELLER. I have no objection to two companies merging, provided the public as well as the companies are protected; but I have every objection to giving the companies the right to merge unless the public is also benefited.

Mr. McLEOD. I will say to the gentleman that the hearings on this bill lasted several weeks. Every organization of any note was heard by the committee. I believe no organization appeared before the committee in opposition to this legislation. There were two or three matters dis-

cussed, as mentioned by the gentleman from New York [Mr. BLACK] a few moments ago, one being the question of taxicab transportation. That has been eliminated from this bill.

Mr. KELLER. Were the taxpayers' organizations before the committee?

Mr. McLEOD. Yes.

Mr. KELLER. I mean the taxpayers' organizations?

Mr. McLEOD. Yes.

Mr. KELLER. What part will the Government pay if this matter of paying for policemen and paving is eliminated? I understand that the paving amounts to something like $300,000 a year.

Mr. BLACK. The companies estimate that the pay of crossing policemen and additional paving charges come to something like $200,000. Then the Government's contribution would be whatever the Government contributes to the expenses of the District.

Mr. KELLER. Has this proposition been submitted to our Economy Committee?

Mr. BLACK. I have a letter that this does not interfere with the President's program of economy.

Mr. KELLER. What about our Economy Committee?

Mr. BLACK. Well, we are going to give the Economy Committee a street-car ride in a day or so.

Mr. McLEOD. The elimination of those expenses would have a tendency to reduce street-car fares and certainly tend to increase fares.

Mr. SIMMONS. The gentleman certainly does not mean to tell the House that by taking this policeman charge off the street-car companies and by taking the paving charge off the street-car companies you are going to bring about a reduction in fares?

Mr. McLEOD. I did not say that. I said it would have a tendency to reduce street-car fares, and I insist the gentleman must agree with my statement.

Mr. SIMMONS. The tendency of it will be fine, but the actual effect of it will be to saddle that much more upon the general charges of the District government, which, in turn, will be just one more argument for the down-town people to demand more money of the Federal Treasury for the support of the District. It is the same old fight, if the gentleman from Michigan please. For years they paved the streets of Washington out of the general fund, and the United States taxpayers paid half of it. Every obligation they can put into the general fund of the District you will find all of these down-town people in favor of, because then they have a bigger fund to which they can point with horror when they ask the United States to contribute. Now, you are not going to reduce the expense of traveling on the street cars one penny in a year to any patron by relieving them of these charges, but you are going to tax the people of Washington—and to a direct extent the people of the United States—that much more by these two provisions.

Mr. McLEOD. That is possible; but will the gentleman from Nebraska point out——

Mr. BLACK. That is not so.

Mr. SIMMONS. If the gentleman can show me how you are going to reduce street-car fares by this merger, I shall change my statement.

Mr. BLACK. In the first place, there is the proposal of universal transfer service from railway to railway.

Mr. SIMMONS. That is not what we are talking about.

Mr. BLACK. This of itself is a saving to the car riders. The economies expected to be effected by the merger plus the relief from these paving obligations and police obligations all tend to put the companies in a better position to furnish a reasonable transfer system from railway lines to busses, all of which will be a saving.

With respect to the gentleman's argument as to rights and obligations, if the street-car companies are to pay for the paving, then just put a fence around that paving and do not let anybody but street-car companies use that part of the streets and keep off the automobiles and the public generally.

Mr. SIMMONS. Who owns the streets—the street-car companies or the public?

Mr. BLACK. The public, and that is the reason the public should pay for them.

Mr. SIMMONS. No; that is not the reason the public should pay for them. The street-car people should pay something for their use.

Mr. BLACK. Every city in the country is doing what is proposed here.

Mr. SIMMONS. Let us get back to the matter I started to talk about. Where in this bill are you going to reduce the cost of transportation to the people of Washington one penny by cutting out the provision for paying traffic policemen and the charges for paving?

Mr. BLACK. Because it helps them to eliminate the requirement of a charge for transfers; it helps them to make possible an efficient service and a service that is paying under a free-transfer system. It is a contribution; that is all it is.

Mr. SIMMONS. It is a contribution to the street-car people in part from the Federal Treasury.

Mr. BLACK. As a matter of fact, they should get all the money they have ever paid into the Federal Treasury for this pavement.

Mr. COLE of Iowa. Will the gentleman from Nebraska give me one good reason why a utility company should police the streets?

Mr. SIMMONS. They are not policing the streets.

Mr. COLE of Iowa. They are policing them in part. I believe it is contrary to good public service.

Mr. SIMMONS. The gentleman knows they are not primarily policing the streets, and if the gentleman from Iowa will either ride the street cars——

Mr. McLEOD. I say to the gentleman from Nebraska in reply to his question that I would like to know if he can point out one city of over 300,000 population that in any way receives contributions from the street-car companies in the way of furnishing such policemen.

Mr. SIMMONS. The gentleman, of course, has asked a question that answers itself. I can not; but I do know that for years this has been done. The rates have been based upon this practice, and for years we men who have handled the finances for the District of Columbia in this House have watched these men try by every method possible to get out from under these charges and have them shifted to the public, and now you propose to let the shift be made.

Mr. McLEOD. Because of fairness and equity only, is not that the real, honest fact?

Mr. SIMMONS. I do not agree with the gentleman.

Mr. COLE of Iowa. Why should not the public police its own streets?

Mr. SIMMONS. I should like to say something to my good friend from Iowa, if I may be permitted the time.

Mr. COLE of Iowa. I wish the gentleman would get the time to do so.

Mr. McLEOD. Is there any excuse for burdening any individual or any individual corporation for the sake of reducing the congressional contribution to the District budget?

Mr. SIMMONS. Will the gentleman now yield and let me answer his statement and also the one of the gentleman from Iowa?

Mr. McLEOD. Yes.

Mr. SIMMONS. The first is that you are not doing it for that purpose. These charges have been carried and they have been carried as a part of their right to do business and use the public streets of the city of Washington for years. Their rates have been predicated on this, and they do not propose to refund in any way one penny of this to the public.

May I say to the gentleman from Iowa [Mr. COLE] that if he uses either the street cars, as I do, or if he uses automobiles, as perchance now and then I do, or even if he is a pedestrian on the street, he will notice with respect to these traffic men—not all of them, but those paid by the street-car

companies in Washington—they see that the street cars move faster. They are serving the street-car companies primarily on these jobs.

Mr. McLEOD. I want to further reply to the gentleman from Nebraska by stating that when this original agreement was drawn providing for these contributions by the companies, it was in the days of horse cars, and in the days of the horse car the destruction of the streets amounted to a considerable sum of money, and this the street-railway companies were responsible for; but that time has passed long ago. We are living in another age.

Mr. SIMMONS. If the gentleman will permit, the statement in the report that originally the street-car companies had to pay for the paving because of the damage done by the horses, and now that the horses have gone they should not pay for it, is about as absurd as any statement in it. If you follow the pavement of any street in Washington and observe along the street-car tracks, you will see that the paving is repeatedly torn up by the vibration on the rails, and there is more damage done now in a month by the street cars operating as they do now than was done in a year by any horse-drawn vehicle.

Mr. McLEOD. Let me say to the gentleman——

Mr. SIMMONS. I for one am not willing to allow them to shift this charge to the general taxpayers of Washington, and then in the future come back and say, "See how much you have put on us, and the Federal Government has got to contribute toward this"; and that is what they ultimately seek to accomplish.

Mr. GARBER. I observe from the report that the Senate committee employed Doctor Maltbie, a public-utility expert, when the Senate had the matter up in 1925, and the resolution now proposes more liberal terms than those proposed by Doctor Maltbie.

I have been acquainted with Doctor Maltbie for 25 years, and a more clean-minded, expert public-utility expert does not exist. That is evidenced by his employment by the great city of New York.

Here is one provision in the bill I would like to have the gentleman explain, and that is it provides that 63 per cent of the power is to be established by agreement between the contracting parties; that of the remaining 37 per cent is to be fixed by the Public Utilities Commission. I want to inquire of the gentleman if this contract between the parties provides that the 63 per cent of the power is to be approved by the Utilities Commission?

Mr. McLEOD. That is one of the questions discussed at length, for the reason that the companies agreed to waive any further objection, because they used only the remainder of the power for the operation, and the Utilities Commission had to do only with the 37 per cent of the power which went to the people of Washington for purposes outside of that of the railroads. The Utilities Commission desired it that way and they can fix the rate for this 37 per cent.

Mr. GARBER. Then the agreement for the 63 per cent of the power is made by the two contracting parties, whereas the public has no representative to disapprove of that agreement.

Mr. BOWMAN. That provision is written into this agreement because of a long-standing contract between the electric-power company and the Washington Traction Co. The Washington Electric Co. assisted the Potomac Electric Power Co. in developing the plant, and consequently they favored the customers of the Potomac Electric Power Co. They have a contract already with the Potomac Electric Power Co., and this provision was written in so it would not abrogate any existing contract that is now in existence.

Mr. GARBER. But it is not decided that it approves existing agreements.

Mr. BOWMAN. No; but there is a contract between the street-car companies and the power company with reference to this power, and 37 per cent is left for the Public Utilities to choose from high to low in an effort to equalize the electric rates.

Mr. GARBER. Would the gentleman have any objection to an amendment authorizing the Utilities Commission to pass upon the contract between the two interested companies in reference to this 63 per cent of the power?

Mr. BLACK. No; this is beneficial to protect the merger; second, it is for the benefit of the District, because it takes a great deal of electricity from the power company to sell at a reasonable rate, Washington having the lowest rate; and, fourth, it is asked for by the smaller company, that is to get the benefit of it. It is in the interest of the merger, and therefore in the interest of the street-car rider, that this contract remain in operation.

Mr. GARBER. The gentleman says it is in the interest of the merger. That is a conclusion. Perhaps it is, but the question is, Is it in the interest of the protection of the rights of the public?

Mr. BLACK. Of course it is.

Mr. GARBER. Where is the public represented?

Mr. BLACK. The street-car riders get all of the advantages of a beneficial contract.

Mr. GARBER. Who says it is beneficial?

Mr. BLACK. Because it is cheap to the street-car riders.

Mr. GARBER. The Public Utilities Commission is the only authorized agency representing the public to pass on this public expenditure.

Mr. BLACK. The only complaint that has ever been made about it is that it is too cheap.

Mr. GARBER. That may be true now, but later on what might the complaint be?

Mr. McLEOD. Mr. Chairman, I reserve the remainder of my time.

Mr. BLANTON. Mr. Chairman, I ask recognition in opposition to the bill.

Mr. BLACK. Is the gentleman using the time reserved by the gentleman from California?

Mr. BLANTON. No; I am using my own time in real opposition to the bill, and it will be the first opposition I have yet heard.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, for 15 years within my knowledge there has been an attempt in the interest of the people in Washington to get these two big street-railway companies to consolidate. They both enjoy the greatest kind of monopolistic privileges in the Nation's Capital. For years they have been coining money because no other railway companies can go up and down the principal streets here. Their stocks, watered as they are, have risen in value out of all proportion, faster and in greater amount than the stocks of any other corporation in existence in America to-day, and I shall prove it to you. I wish gentlemen would get the hearings that were held before our distinguished colleague, the gentleman from Missouri [Mr. CANNON], on the subcommittee that framed the District of Columbia appropriation bill, and turn to page 660. There you will see the full facts given about these two street railway companies for the year 1922. The Capital Traction Co.'s earned income was as follows: Cash passengers, 16,276,074; token passengers, 54,189,129; making a total number of passengers carried by the Capital Traction Co. for the year 1922, 70,465,203. In 1923, the same company had cash passengers numbering 17,513,399, and token passengers 50,791,651, making a total of 68,305,050 passengers for that year. In 1924, the Capital Traction Co. carried 17,592,494 cash passengers and 47,220,190 token passengers, or a total number of passengers of 64,812,684.

The statement for the Washington Railway & Electric system for the same three years is as follows: In 1922 that company carried 15,013,981 cash passengers and 65,996,800 token passengers, or a total of 81,010,781 passengers. In 1923 that company carried 16,988,392 cash passengers and 64,532,013 token passengers, or a total of 81,518,607 passengers. In 1924 the Washington Railway & Electric Co. carried 16,981,485 cash passengers and 59,345,859 token passengers, or a total of 76,327,344 passengers for that year. I want now to give you the figures in respect to their stocks and how they have risen in value.

Mr. COLE of Iowa. Will the gentleman give us the figures for 1930 and 1931?

Mr. BLANTON. I shall come to that later, if I have time. The stocks of the company began to rise in the years I have been referring to. The Washington Railway & Electric Co. has always claimed that it is the poor company. Strange to say, the Capital Traction Co. came before Congress and asked that it not be forced to raise its fares above 5 cents. Its charter provision provided for a 5-cent fare, and they said that was all they wanted. That company said the 5-cent fare was producing plenty of revenue, and it asked Congress to protect it from the effort that was being made to force it to charge over 5 cents.

The Washington Railway & Electric made the claim that it was the poor company. The rates were raised because the Public Utilities Commission said it did not want to be discriminatory. They raised them for both companies in spite of the fact the charter of each one requires that it shall never charge the people of Washington more than 5 cents. One reason for that was that they obtained valuable rights. The people in the beginning required them to pave between their street-car tracks. That is a provision that has been required in practically every city in the United States. They are required to pave between the tracks, and a foot on each side of the outside rail. Is not that a reasonable provision? They can shoot down that car track at 40 miles an hour, and if you get in front of a car they can run over your car, and if you are not at a street intersection they are not liable to you at all. It is a privilege, a special monopolistic privilege which they have, and now they are getting rid of all that in this bill. I asked my friend BLACK who drew this bill. He said that he did not know.

Mr. BLACK. I did not say that. I said the bill came to us from the Public Utilities Commission. It is their bill.

Mr. BLANTON. Who drew it?

Mr. BLACK. It is their bill.

Mr. BLANTON. Who drew it?

Mr. BLACK. The Public Utilities Commission.

Mr. BLANTON. Oh, the Public Utilities Commission means some irresponsible officials, some of whom do not know what it is all about, and I will show you that in a minute.

Mr. BLACK. It is a Public Utilities Commission bill.

Mr. BLANTON. Can the gentleman from Maryland [Mr. PALMISANO] tell us who drew the bill?

Mr. PALMISANO. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. PALMISANO. I wish to say to the gentleman from Texas that he, being an old member of the District of Columbia Committee and this bill having been before the District Committee for a number of years, the gentleman knows as much about it as any member of the committee.

Mr. BLANTON. I think so, too. That is the reason I know that the gentleman from New York [Mr. BLACK] was telling me the truth when he could not tell me who drew the bill. I yield to the gentleman now, if he can give me the name of the man or woman who drew it. No woman could have drawn it, I am sure of that.

Mr. BLACK. I will tell the gentleman the bill was transmitted in due course by the Public Utilities Commission to the Speaker of the House of Representatives, who transmitted it to the District of Columbia Committee as the Utilities Commission bill. Some poet may have drawn it. It does not make an awful lot of difference. The question is, Is the bill good or bad?

Mr. BLANTON. And I will convince the gentleman in a few minutes that it is bad.

The gentleman from Vermont [Mr. GIBSON] hit the vital spot here when he called attention to the fact that it is the great North American Co. that is mostly interested in having this bill drawn, the company that came down here once from New York and spent $50,000 in making what they call a traffic survey in order to uphold these fares of 7 and 8 cents for even the 70,000 little school children. They compiled that book. It was about 2 inches thick. It had tinted paper, uncut edges, and was bound in morocco leather. Just about the time we were going to pass on the lowering of these car fares they sent every one of our committee members two of those big leather-bound volumes to try to influence us and try to make it appear that that was work done by the commissioners here. When we began to dig into it we found out it was done by the North American Co. of New York.

Mr. BLACK. That is in the official report. There is nothing new about that.

Mr. BLANTON. Now, I want to read something. This is a letter which I addressed to them. It can be found at page 665 of the hearings recently conducted by the gentleman from Missouri [Mr. CANNON] on the District of Columbia appropriation bill.

WASHINGTON, D. C., *December 28, 1925.*

Mr. EDWIN GRUHL,
Vice President and General Manager,
North American Co., New York, N. Y.

MY DEAR MR. GRUHL: I am just in receipt of the two volumes covering the 1925 transportation survey of the District of Columbia, as reported by McClelland & Junkerfeld to Commissioner Bell.

In your letter of April 23, 1925, to the Public Utilities Commission you state that—

"The North American Co. has a substantial investment in transportation systems in the District," and you further state that, "because of the mutual interest of said commission and the North American Co.," you agree to have this survey made at a cost not exceeding $50,000.

As one of the ranking members of the Committee on the District of Columbia, I desire to elicit some information, to wit:

(1) Please state in detail just of what your substantial investment in transportation here consists. In what transportation companies do you and the North American Co. own stock here; to what amount in each?

(2) (a) What did you pay for such stock, respectively? (b) How long have you owned it? (c) What is its market price now? (d) What dividends did you receive on same in 1924? (e) What dividends have you already received on same during 1925; and what others do you expect for 1925?

(3) Who paid the $50,000 to McClelland & Junkerfeld?

(4) Is the District of Columbia Public Utilities Commission to pay any part of same? If so, how much? Have they paid it?

(5) Each one of the two volumes of this report is 8½ by 11 inches, and it is nearly 2 inches thick, and bound in full morocco. What was the total expense of compiling this report?

(6) Will you please advise me why this report was at this time mailed to Congressmen and Senators?

Very truly yours,

THOMAS L. BLANTON.

They refused to answer those questions.

Then I wrote to McClelland & Junkerfeld on December 28, 1925, and asked them the same questions.

Did you ever twist a cotton-tail rabbit out of a hollow? [Laughter.] You cut a long hickory stick and make some notches in it up at the end, and you twist and twist and finally get hold of him and pull him out. I finally twisted that rabbit out of the hole and I got this information. Here is what the general manager of the North American Co. finally wrote me from New York:

DEAR SIR: I am in receipt of your letter of December 28, 1925, in which you address to me various inquiries with reference to the transit situation in the District of Columbia and the interest of the North American Co. therein. The information which you request is in all substantial respects in the possession of the chairmen of the House and Senate Committees on the District of Columbia.

That was not true. I was acting ranking Democratic member of that committee and I sat next to the end of the table, and I knew everything that came into the committee. Nothing like that was ever filed with our committee. That is why I wrote for it.

He said:

You inquire as to why copies of the transportation survey of the District of Columbia were "mailed to Congressmen and Senators." I do not understand that copies of this report were mailed to Congressmen or Senators generally.

Why were they mailed to us who were handling it? He says:

The Public Utilities Commission of the District of Columbia, I am informed, arranged to have copies made available.

The Public Utilities Commission, working hand in glove with this outside corporation of New York. I see our good friend from New Jersey, our distinguished gentlewoman who

is the chairwoman of this committee. She will tell you that, while her name appears on this bill, she did not have a thing on earth to do with the writing of the things in it. It was sent already prepared.

Mrs. NORTON. Will the gentleman yield?

Mr. BLANTON. I yield.

Mrs. NORTON. Is not that true of nearly every bill that comes up in the District Committee?

Mr. BLANTON. That is true of every important bill that corporations want to pass through Congress and legislatures, when the people are unsuspecting and they are uninformed about the provisions of the bill.

Mr. LAGUARDIA. Except the last revenue bill?

Mr. BLANTON. The revenue bill stands on its own footing and is in a class by itself.

Mrs. NORTON. Is not that true also of almost all farm bills?

Mr. BLANTON. Most of the farm bills are put forth in the name of the farmer when we who really know the problems of the farmer, who have watched women and little girls sitting on plows and working in the hot sun all the day long, and have watched them drag cotton sacks up and down the furrows, sacks too heavy for a little girl to drag, and who remember that it takes about 2,500 of them to make enough money out of a whole year's work to pay the salary of a man who is now the cooperative official that is attempting to handle their business for them, but who mishandles it—we know most of their bills are brought in here by their so-called friends, but they do not do the farmer any good. I do not think Congress has ever helped the farmer. I do not think the Agricultural Department has ever helped the farmer 5 cents worth. [Applause.] I think it is money thrown away. I wonder if our good friend—she is so genial and courteous to us—would tell us if any big bug from New Jersey has recently written her insisting on the passage of this bill and insisting on having it passed in a hurry?

Mrs. NORTON. The lady from New Jersey does not know any big bug from New Jersey.

Mr. BLANTON. Has anybody from New Jersey recently written urging the passage of this bill quickly, a Mr. Halsey, or anybody else?

Mrs. NORTON. Not anyone. This bill has been in Congress for about 30 years, long before I came here—I was going to say before I was born, but I guess I will not go as far as that—I want to say this is the first year that everybody seems to agree that this is a good bill. As far as I know, everybody in the District, except the gentleman from Texas, agrees this is a very good bill. The people of the District and the street-railway companies in the District have joined in recommending this bill, and it is news to me that the gentleman from Texas is opposed to it.

Mr. BLANTON. I am going to tell our good lady friend why I am opposed to it in a few moments. I am going to give you some facts. You know, there are 500,000 people living in the District of Columbia. I will guarantee to you that there are 450,000 that do not even know there is a merger bill before the Congress. I will guarantee to you that 450,000 people did not even know this bill was going to be debated to-day. These things are put over on the poor unsuspecting people of the District of Columbia. They have to take their medicine. While they do not like it when some of us try to make them pay fair taxes here, they do like it when some of us make a fight against their being mobbed by any corporate interests which are getting privileges here in this bill. I am going to call your attention to some things in a moment or so that will surprise you.

Mrs. NORTON. Perhaps the gentleman does not know that we had hearings on this bill; that every citizens' association in the District recommended it, and that there has not been any opposition at all to this bill.

Mr. BLANTON. I still make my statement, that I honestly believe there are 450,000 people in the District who do not even know this bill is pending; that if they knew its provisions and if they knew that we were unloading on them a proper burden that the railway company ought to bear, they would come here to object in a solid mass, if they knew the provisions of this bill.

I wish you would read the examination which our colleagues, BOB SIMMONS, CLARENCE CANNON, and I put General Patrick under when he was before us. We showed that he had not made a step, and that it had not even occurred to him, to make this telephone monopoly reduce its rate.

Mr. PARKS. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. PARKS. I want to know if there is anywhere in the United States that this telephone company has reduced its rates, although it is writing to Members of Congress to reduce the salaries of every Government employee?

Mr. BLANTON. You know, things are now cheaper than they have ever been. They have put in this dial system and released a lot of employees, and we asked General Patrick why he had not gotten them to reduce their rates. He said it had never occurred to him, and that he would take it up with them and see what could be done. We said that what he ought to do was to make up his mind what was a proper rate, fix that rate, and make them stand for it.

We asked him about the gas company here. The little seven and a fraction cents that they have given as a decrease, what does that amount to? He ought to make a decrease there commensurate with existing conditions all over the country.

Mr. SIMMONS. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SIMMONS. That reduction in gas rates is less than the increased taxes which will be imposed as a result of relieving the street-car people of their police charges and paving charges under this bill.

Mr. BLANTON. Certainly.

Mr. SIMMONS. In other words, we are putting more on them by this bill than that ruling takes from them.

Mr. BLANTON. If you knew as much about this bill as our friend, the gentleman from Nebraska [Mr. SIMMONS], and our friend, the gentleman from Vermont [Mr. GIBSON], and the rest of us who have been watching this thing here for 15 years, you would kill this bill as dead as Hector before you would ever let it pass.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAGUARDIA. I would like to get the gentleman's views on something that is bothering me a great deal——

Mr. BLANTON. Let me read you about the prices of their stocks here——

Mr. LAGUARDIA. My question is right along that line. I want to call the gentleman's attention to the paragraph on page 15, which reads:

> Ninth. The foregoing is based on the present conditions and business of the participating companies and on the assumption that, in the interval before the consummation of the foregoing transactions, there will be no change in the transit businesses, other than as a result of normal operations or those necessary to meet changed operating conditions, and that no distribution will be made to the stockholders of Capital Co., except the regular dividend payments, at not exceeding 7 per cent per annum.

Mr. BLANTON. We ought not to fix an arbitrary 7 per cent. Wait a minute and let me show you what they have been doing. If you will look on page 607 of the hearings before Mr. CANNON'S committee, you will see that the Potomac Electric Power Co., which is the power company that furnishes the power and is owned by the Washington Railway & Electric Co., lock, stock, and barrel—the Potomac Electric Power Co. has issued 70,000 shares of preferred stock, all of which is widely distributed, and has also issued 60,000 shares of common stock. This Potomac Electric Power Co. is now and always has been owned by the Washington Railway & Electric Co., and look at the way these values have increased.

In 1922 the high value was 68.78 per share, and in 1923 it ran up to $72 a share.

Mr. WOODRUFF. The gentleman is speaking of the common stock?

Mr. BLANTON. Yes.

In 1924 it ran up to 82, in 1925 it jumped to 250, in 1927 it jumped to 460, in 1928 it jumped to 485, and in 1931 it jumped to 502.

When the Capital Traction Co. was apparently willing to have only a 5-cent fare back in January, 1922, the common stock of the Washington Railway & Electric Co. was quoted at 42½; in June, 1922, at 50¼; in July, 1922, 57½; in August, 1922, at 58; in November, 1922, at 64; in December, 1922, at 68; and finally it went up to 78 in that year.

At the very time they were increasing fares on the little school children in Washington, in January, 1923, the stock was quoted at 70.

In April the stock was quoted at 72, in June at 79½. This was in 1923.

In 1924 the stock was quoted at 82, in November at 87½, in December, 1924, at 90—notice in January, 1925, it was quoted at 101, February, 103, March, 108½, April, 109½, May, 123¾, in June, 1925, 124⅞.

I want you to notice that it had jumped from 40½ in 1922 up to 124⅞ in three years.

Mr. PARKS. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. PARKS. Was that the year they raised the fare to 10 cents?

Mr. BLANTON. Yes; I am going to show those raises in a minute.

In August, 1925, it went to 182, in November it went to 235 and in December, 1925, to 250.

During all this time they were increasing the fares.

Mr. McLEOD. Will the gentleman yield?

Mr. BLANTON. Yes, I yield.

Mr. McLEOD. Will the gentleman compare those figures with respect to 1925 with other utility figures on the board at the same time? Was not that a time when they were all up?

Mr. BLANTON. They are higher than any other utility company in the entire United States.

Mr. McLEOD. Has the gentleman those figures?

Mr. BLANTON. Yes.

Mr. McLEOD. Can the gentleman give the figures?

Mr. BLANTON. I have not them here, but I challenge the gentleman to show the contrary.

Mr. PALMISANO. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. PALMISANO. In reply to the gentleman from Texas I want to state that the United Railway of Baltimore appealed from the decision of the Public Service Commission of Maryland and took the matter to the Supreme Court, and they are now, under the ruling of the United States Supreme Court, charging a 10-cent fare.

Mr. BLANTON. I do not think that has any applicability. I said that their stock had gone up relatively in a greater proportion than any other utility stock in the United States, that they went from 42½ back in January, 1922, to 502 in 1931. Is there any other utility company that can beat that? Do not you think it was the duty of our good friend Mr. BLACK, the gentleman from New York, and our good friend from Michigan, to bring all these facts before us, when they are asking us to change the organic law that gives these two companies tremendous power, not only in street-car business but the bus business?

Mr. BLACK. It gives them the power to cease being a nuisance in certain places.

Mr. DELANEY. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. DELANEY. I was wondering whether the gentleman had any intimation that this stock was going up?

Mr. BLANTON. The gentleman will find it all in the report. We had Mr. Ham sitting at the table with his big, fine attorney—and he is a fine fellow; I like him.

Mr. DELANEY. I was wondering whether they tipped the gentleman off about stocks going up, so that he might have made something. [Laughter.]

Mr. BLANTON. Oh, no; we got that from other sources. Do you know that nobody except a little coterie has ever been able to get a single share of that stock for the last 10 years? They hold it in a little clique, and no shares are for sale.

Mr. WOODRUFF. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. WOODRUFF. The gentleman has referred more than once to the common stock issued by the Potomac Electric Power Co., and said that it was all held by the Washington Electric Railway Co. Has the gentleman any information as to what is the par value of that stock, and how much the Washington Railway paid the Potomac Electric Power Co. for the stock. I think that would be very interesting.

Mr. BLANTON. I have not been able to get that. The North American Co., of New York, will not answer my letters.

Now, I want to show you how these fares went up. I want to give you a history of the car fares. I want to put it in in connection with this bill seeking to give new power to these companies.

These are the facts that were brought out from Mr. Ham and his attorney, and the attorneys for the utility company admitted when the gentleman from Vermont [Mr. GIBSON] and myself had these hearings several years ago.

Up to October 26, 1918, the fare in the city was 5 cents, or you could buy tickets at the rate of 4⅙ cents a ticket, and the intracompany transfers were absolutely free.

From that date, up to February, 1919, the fare remained 5 cents; but the ticket fare was discontinued, though there were still intracompany transfers, free, with the same charges on certain streets for intercompany transfers.

From February 1, 1919, to June, 1919, the fare remained 5 cents. There were no tickets. The intracompany transfers were free. Then all of the transfers were free between the companies except on one street, and that was at Fifteenth and G Streets NW., where they charged you 2 cents for intercompany transfers. Then from June 1, 1919, to November 1, 1919, the fare still remained 5 cents, without tickets, and you paid a 2-cent transfer fee. That is where it was changed to a 2-cent transfer fee, excepting on two streets where you got transfers free. Every one of those changes was made by the Public Utilities Commission, not in the interest of the people but in absolute violation of the charter provisions which provided the fare should not be over 5 cents. It was made by the Public Utilities Commission against the interest of the people of the United States. Remember, there are about 70,000 Government workers here who are being robbed by these companies every day.

Mr. BLACK. We are going to take that advantage off by the merger, the gentleman knows.

Mr. BLANTON. Oh, I know what will happen under this merger. To continue from the hearings:

On November 1, 1919, the fare was raised from 5 to 7 cents, which continued to May 1, 1920. There were tickets sold at 6¼ cents. The intracompany transfers were free, but they still allowed a 2-cent transfer for intercompany transfers.

On May 1, 1920, they changed it again, and fixed it at 8 cents, and from that time until January 1, 1921, the fare was 8 cents, with 7½-cent tickets, and a 2-cent intercompany transfer.

From January 1, 1921, to April 1, 1921, the fare was 8 cents, with 7½-cent tickets, and intracompany transfers free, with 1 cent for intercompany transfers.

Then from April 1, 1921, to September 1, 1921, the fare was 8 cents, with 7½-cent tickets, intracompany transfers free, and with a 1-cent transfer between the companies, with the exception of two streets that were made free.

Mr. LAGUARDIA. Will the gentleman state by what authority these increases were made if the franchise provided for a 5-cent fare?

Mr. BLANTON. They were made because the Public Utilities Commission has always, in my judgment, had more interest in looking after the welfare of these corporate powers than they have in looking after the welfare of the people. Of course, General Patrick is not concerned very much with the interest of the people. He is the man who draws $6,000 as a general's retired pay and $7,500 salary as chairman of the Public Utilities Commission. He gets a fine automobile furnished him free by the Government

and a chauffeur provided free for him, and he gets all of his hospital supplies and all of his home supplies for himself and his family, including coal, from the Government stores at actual Government cost; he gets his truck driving free, and he gets his medicines and his doctors' bills and his dentists' bills free, and his nursing in hospitals is also free. He gets almost everything free. Why should he be concerned about the 70,000 school children who have been charged 10 cents car fare? When this Congress finally took the bit in its teeth and passed a law reducing the children's fare to 3 cents it took him nearly a year to put it into effect, and I want you to read in these hearings what he had to say when the gentleman from Nebraska [Mr. SIMMONS] and the gentleman from Missouri [Mr. CANNON] and I began to twist him about it.

Mr. McLEOD. He was not opposed to a reduction in fares, was he? And did he not say he was not?

Mr. BLANTON. Oh, there is a way of saying that you are not opposed to a thing and then letting it stand as it is. When a man tells me that he is not opposed to a reduction of fare, and you put it in his power to reduce the fare, and he does not reduce the fare until Congress forces him by law, and then he waits a year before he does that, I say that he is not very much in favor of it, except by lip service.

Mr. McLEOD. He did not have the power to do it.

Mr. BLANTON. He did do it, did he not?

Mr. McLEOD. He did not do it until there was legislation passed.

Mr. BLANTON. He did do it, did he not, when Congress directed him to do it, and there has been no injunction to stop it, and the school children, 70,000 of them, are getting their fares now at 3 cents each? Why did not he do it before? Is he not the chairman of the Public Utilities Commission?

If I were the chairman of that commission, and I thought it was right to do it, that it was right to give the children a rate of 3-cent fare, I would do it, whether the street-railway companies liked it or not.

Mr. PALMISANO. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I want to give the gentleman some facts that he has not given us the benefit of.

Mr. BLACK. Mr. Chairman, will the gentleman answer a short question?

Mr. BLANTON. No; I want to give the gentleman some facts.

Mr. BLACK. Does the gentleman believe in a merger at all?

Mr. BLANTON. Yes. The gentleman from Vermont [Mr. GIBSON] and I worked out a proper merger bill, with the assistance of the gentleman from Kentucky [Mr. GILBERT], but the railway companies would not let us pass it.

I want now to read some more about the fare business and its history.

From September 1, 1921, to March 1, 1922, the fare was 8 cents, with 7-cent tickets, free intracompany transfers, and with a 1-cent intercompany transfer. From 1922 to date, January, 1926, the fare has been 8 cents, 6¾ cents per ticket, intercompany transfers free, but intracompany transfers 1 cent.

Through all these years since 1922, when the common stock of the so-called poor company, the Washington Railway & Electric Co., ranged from $42½ per share in 1922 to $502 per share in 1931, it has mulcted the people with an 8-cent fare. It is now 10 cents, with 4 tokens for 30 cents.

Mr. PATTERSON. It is a 10-cent fare to-day.

Mr. BLANTON. Yes; 4 tokens for 30 cents.

Mr. SIROVICH. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SIROVICH. The gentleman stated before that while the stock went from $42 a share to $502 in 1931, the stock was closely held and it was not offered on the market.

Mr. BLANTON. No. They wanted to hold it, because it was of great value.

Mr. SIROVICH. Then what was the use of holding it at $502, if it was so closely held?

Mr. BLANTON. That is what they were offered for it, I want to tell the gentleman from New York. They would not sell it. They could have sold it at $502, but they would not sell it. They wanted to keep it.

Mr. SIROVICH. How much dividend is it paying?

Mr. BLANTON. I do not know. Would the gentleman not think that General Patrick ought to know something about that?

Mr. SIROVICH. Yes.

Mr. BLANTON. I asked him about stock values, and so forth, and he said it had never occurred to him to look it up. On page 5, in line 14, of the bill for the first time there is added bus business to their transportation business, and it is being added by charter. Did you know that this bill that we are passing right now is a charter to that company? It is a Federal charter, if you please; something that we have quit granting to corporations; something that gives corporations a priority and a privilege that others do not enjoy. We ought to have stopped it long ago. I wish every Member here could have heard the speech that was delivered against the granting of Federal charters by our distinguished former Speaker, Uncle Joe Cannon. I wish you could have heard the speech made by Mr. James R. Mann. I wish you could have heard the speech that was made by Mr. Martin B. Madden against granting Federal corporation charters. It ought to stop. Here you are increasing their powers. How many busses will operate on the streets after you give them this charter? They will run every bus company out of business in Washington. These great big busses that run so fast that two of them run together and kill a lot of people, as they did the other day, will continue. They pay no attention to automobiles. They crowd you right off the street into the sidewalk. They pay no attention to your rights at all.

Mr. BLACK. They also carry a lot of people comfortably to their places of business.

Mr. BLANTON. Oh, yes. I am not surprised that we have defenders for such bills on the floor of this House.

Mr. PARKS. The gentleman has got a 5-cent fare in New York.

Mr. BLANTON. I believe the gentleman thinks this is a good bill or he would not be advocating it here, but there are many things the gentleman does not know about it.

You can go to that fine city of New York and ride all day for 5 cents in those fine subways.

Mr. BLACK. The gentleman should not bring that in. The gentleman does not know anything about that.

Mr. BLANTON. Mr. Chairman, I think the rules ought to be observed a little better, even on District day. I will yield when it is necessary.

Mr. BLACK. Will the gentleman yield?

Mr. BLANTON. I want to tell the gentleman about his subway fares in New York.

Mr. BLACK. I know all about it. The gentleman does not have to tell me.

Mr. BLANTON. You can go down to a subway and get on those cars and ride all day for 5 cents, as long as you do not get out. It is the finest service in the world. It is only 5 cents. Through all of this inflation, during all these years where multimillionaires were being made over night, they never changed. It is 5 cents still. Be it said to the wisdom of those who control New York, they have held that fare down to 5 cents, because it meant much to the 6,000,000 people living in that great metropolis.

Mr. BLACK. Will the gentleman yield?

Mr. BLANTON. No. I want to tell the gentleman something about his bill that he has not observed.

This is a serious matter. This is a bill that takes the rights of the people here and gives those rights to corporations.

I want to call your attention to page 8, line 1, et seq.:

After the original issue of stock for the purposes of the unification, additional shares of stock and/or additional bonds or other evidences of indebtedness may, subject to the approval of the Public Utilities Commission of the District of Columbia, be issued by the directors from time to time for cash.

And so forth. Are you going to give that power to these companies? They would offer those securities on the markets of the country, and the people not knowing the value

of the stock, they would double or treble that stock, and the buying public would suffer. That is one time they would sell, and that is one time they would unload on the public. Are you going to permit that? I am not going to vote for it.

Mr. McLEOD. Will the gentleman yield?

Mr. BLANTON. I will yield to anyone opposed to the bill.

Mr. McLEOD. It says it is subject to the Public Utilities Commission.

Mr. BLANTON. How easy it would be to get that commission to approve it, with General Patrick on the commission—poor, old, unsuspecting General Patrick.

Mr. McLEOD. Is he the commission?

Mr. BLANTON. Yes; he is the commission. There would not be any trouble for that splendid, suave lawyer of this company to go down there and get that through.

Mr. McLEOD. That is the idea of having a Public Utilities Commission.

Mr. BLANTON. Their lawyer is a splendid attorney, and the gentleman knows how he has appeared before our committee in the past and has gotten his way. There have been no bills passed that his company did not like. This bill has come to life with his approval, and that is why I am against it. Whenever these companies agree to a bill, the gentleman from Vermont [Mr. GIBSON] and myself are against it, because we know all about the company.

Mr. PARKS. Will the gentleman yield?

Mr. BLANTON. I want to go on to something else.

Mr. PARKS. I do not want to interfere with the gentleman, because he is making an argument which I approve.

Mr. BLANTON. I do not want to take too much time, but I yield.

Mr. PARKS. Does this bill overrule the decision of the Supreme Court of the District of Columbia and the Supreme Court of the United States, in which they held they were not entitled to make more than 7 per cent on their investment?

Mr. BLANTON. No; but it is just this way: They have a way of inflating the value of their investment and they get it by this commission down here. Then they get an agreed statement of facts on which to go to the court and the people are not properly represented. The people have their rights taken away from them on an agreed statement of facts that does not present the real facts. I know that. That is the reason you would not get a square deal there.

Let me call your attention to the contract that this new company can make with this Potomac Electric Power Co., this "Pepco" that you see all over the country. Here is what the bill says it can do:

> Said power contract shall provide that for a period of 15 years the price to be paid by the new company (1) for 63 per cent of the electric power used for the maintenance and operation of the transit properties of the new company, and (2) for electric power furnished to other transportation companies under the existing contracts and/or renewals thereof shall be determined in accordance with the terms and conditions of the present arrangements between the Potomac Electric Power Co. and the Washington Co. for supply of electric power.

In other words, everybody in Washington knows that that existing contract is not a proper contract. The Washington Railway & Electric Co. owns the Potomac Electric Power Co. It has a contract within itself by which it pays about four times as much for electricity as it ought to pay, and it uses that before the Public Utilities Commission as part of its expenses to get its fares raised from 6, 7, and 8 cents to 10 cents on even school children for a long time. Are you going to let that go on for 15 years? You know the attorney for these companies wrote that into this bill. Our good friend the lady from New Jersey did not write that clause in the bill. That was put in there by the attorney for the railway company. This bill is as vicious as that clause is all the way through. It allows the Public Utilities Commission to pass on 37 per cent of the power used, but for 15 years they are not allowed to pass on 63 per cent. Why does it take that out from within the power of the Public Utilities Commission? Because it is in the interest of these railway companies. It is in the interest of the Potomac Electric Power Co., if you please, and it ought not to stay there.

Let me call your attention to paragraph 14, line 3, on page 19:

> This agreement is conditioned upon the new company being relieved from the expense of policemen at street railway crossings and intersections.

I am in favor of that. I always have been in favor of having policemen representing the people paid by the Government instead of these street-railway companies. If you were standing at a street crossing down at the Hotel Raleigh and there were 15 cars coming from away up at the Peace Monument, the railway policeman would let those street cars pass and let you stand there for eight minutes until they did pass. He gives the right of way to the street-car company, and I have been against it all the time, but I am not in favor of taking that expense off the railway company and at the same time giving them the right to still charge a car fare of 10 cents. When we remove that burden from them, we ought to at least require them to go back to their charter provision calling for a 5-cent car fare. They would increase their revenues 100 per cent by the increased traffic that would ensue.

Let me call your attention to another thing. It says that they shall be relieved of the laying of new pavement, the making of permanent improvements, renewals or repairs to the pavement of streets and public bridges, if you please. These heavy street cars going back and forth across some of these bridges hurt the bridges more than the rest of the traffic put together, yet all the cost of the improvement of those bridges is to be saddled upon the backs of the taxpayers of this Government, not only the taxpayers of the Government but the taxpayers of the District of Columbia. Are you in favor of that? I am not. I am not going to vote for it. You ought to strike out the enacting clause. You ought to send this bill, which was drawn by these railway companies and of which they got the approval of General Patrick, back to them and tell them they can not put this over Congress. Why should they not pay for their paving? They ought to do it.

Listen, at page 20, on line 4:

> No competitive street railway or bus line shall be established without the prior issuance of a certificate by the Public Utilities Commission of the District of Columbia to the effect that the competitive line is necessary for the convenience of the public.

That provision keeps out all competition. May I say that we ought to kill this bill. We ought not to let it pass. [Applause.]

[Here the gavel fell.]

Mr. BOYLAN. Mr. Chairman, now that you have heard all about the street-car merger, I rise to say a few words for the inarticulate 700,000 Federal employees who are appealing to the Congress to save their present small salaries for them.

A most peculiar condition of affairs exists. This morning I sent a messenger to the office of the chairman of the Committee on Economy with the request that I be furnished with a copy of the bill that they have prepared. I was advised there were no copies of the bill to be had at that time for distribution; but yet I picked up a copy of a New York paper of to-day and I find the entire provisions of the bill printed in the paper. The Washington papers also have copies of it and digests of it, and yet it is only 45½ hours until the time when this bill will be presented to us, and yet a Member of the House is unable to secure a copy of it.

Perhaps I was a little more fortunate than some of the other Members when a distinguished gentleman loaned me a copy of the bill. Mind you, I was loaned a copy of the bill.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. EATON of Colorado. Is it a kind of secret bill the gentleman has?

Mr. BOYLAN. Well, it is supposed to be sub rosa. [Laughter.] It is marked "Confidential committee print."

Mr. EATON of Colorado. Does the gentleman belong to some organization that permits him to have that or was it handed to the gentleman in secrecy or in confidence, so that he might read the bill instead of reading about it in the newspapers?

Mr. BOYLAN. No; I am simply one of the ordinary 435 Members that sit in this Chamber.

Mr. EATON of Colorado. Can the gentleman advise me, confidentially or otherwise, where I may get a copy of that confidential print of the bill?

Mr. BOYLAN. I do not see how I can, when I was not even able to get a copy. I was only loaned a copy. I did not secure the copy; it was only loaned to me.

Mr. PATTERSON. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. PATTERSON. Can the gentleman tell us where we may borrow a copy?

Mr. BOYLAN. Perhaps I may be able to tell them the name of the man who loaned me this copy.

Mr. PATTERSON. But the gentleman is not sure whether he would have any more copies to lend or not?

Mr. BOYLAN. Do not misunderstand me. I do not possess a copy. I have merely a borrowed copy that was loaned to me, and this copy is marked "Confidential committee print," but I pay no attention to that "Confidential committee print" when I can pick up a New York paper and find all about the bill in the paper.

Mr. LAMNECK. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. LAMNECK. My information this morning when I inquired about this bill was that it had not been introduced and therefore had not been printed.

Mr. BOYLAN. Well, the world knows about it, and, surely, we Members of the House ought to know a little something about it. Evidently, when the gentleman returns to his office he will find telegrams and letters of inquiry about it; and if the world knows it, through the press, surely an ordinary Member of the House ought to be let into the confidence of this august committee and told a little something about it, too.

Mr. EATON of Colorado. Will the gentleman yield once more?

Mr. BOYLAN. Yes.

Mr. EATON of Colorado. On Friday of last week I had a telegram in regard to two matters which were said to be included in this bill and which I am told to-day can be found in the confidential print which the gentleman has; whereupon I wired to the adjutant of the American Legion who sent me the telegram from Denver, Colo., asking about what was in the bill. He wired me about these two provisions on Friday of last week, and still, up to this moment, I am unable to get a copy of the bill. Here are the telegrams:

DENVER, COLO., *April 22, 1932.*

Hon. WILLIAM R. EATON,
Congressman from Colorado, Washington:

Colorado voters are fair.

Legion generating campaign among veterans to save legislation already enacted over period of years.

Would you permit us quote you among veterans supporting movement, and will you oppose all cuts proposed special Economy Committee when bill as rider to appropriations bill reaches Congress?

Wire reply.

M. LYCKHOLM,
Colorado Legion Adjutant.

WASHINGTON, *April 22, 1932.*

M. L. LYCKHOLM,
Adjutant Amerigan Legion,
State House, Denver, Colo.:

What's in the bill?

WM. R. EATON.

It takes three days for mail to come from Denver. In this morning's mail I find one letter which was mailed April 22, in which the writer asks "Please vote against national economy act unless sections 207 and 208 are eliminated." Notice that this is quoted from a letter from a man in Denver who knew from some source last Friday what I can not find out here to-day at 2.30 in the afternoon except by asking the gentleman from New York to please let me borrow the confidential copy of the bill which he has in his hand.

Two other letters were received, dated April 22, from the John Borelli Chapter, No. 7, and William J. Murphy Chapter, No. 9, of the Disabled American Veterans of the World War, in each of which appears the following:

The proposals requiring six months' service prior to the armistice and that only combat disabilities are to be considered for emergency officers for retirement are most unfair. * * *

Up to this moment I am unable to get a copy of any bill, confidential or otherwise, to examine to determine what may be answered to each letter. Where did the writers of those letters get the information which is not available to me?

I have asked my floor leader for a copy of the proposed bill; I have asked at the desk; I have asked at the office of the Committee on Appropriations and the Economy Committee, and also of Members of the floor, and none can furnish me a copy.

Mr. BOYLAN. Although the gentleman is a Member of the House and entitled to certain privileges and prerogatives, including copies of bills and reports, yet under the circumstances I would suggest that he wire some newspaper and they would probably give him the information that he seeks. [Laughter.]

Mr. HOWARD. Will the gentleman yield to me?

Mr. BOYLAN. Always to my distinguished colleague.

Mr. HOWARD. Will my colleague from New York be kind enough to tell the House by what authority, other than the authority of his own beautiful personality—by what additional authority he is singled out among all the rest to secure a confidential advance copy of this bill?

Mr. BOYLAN. Well, I can not attribute it to anything else but my persistency in seeking a copy of it. When I found I could not get a copy, I thought the next best thing was to ingratiate myself into the good graces of some one who had a copy and borrow his copy. [Laughter].

Mr. EATON of Colorado. What is the password?

Mr. BOYLAN. Persistency.

Mr. HOWARD. Will the gentleman be kind enough to point out to some of his less persistent colleagues the course he pursued in obtaining this result?

Mr. BOYLAN. In answer to the gentleman I would say that the gentleman being an old newspaperman——

Mr. HOWARD. Leave out the adjective. [Laughter.]

Mr. BOYLAN. I mean old in wisdom, not years; and knowing the gentleman is accustomed to getting information through devious channels and in every possible way, by hook or crook, I would not feel qualified to advise him.

Mr. HOWARD. Well, if there is not wisdom in this one particular colleague of mine from New York, where will I go to get it? [Laughter.]

Mr. BOYLAN. In answer to the gentleman, I may say that I have borrowed a copy; and when I finish my remarks, I am going to ask the man who loaned me this copy and who owns it if he will permit me to loan the copy to the gentleman, and then I will let him have it.

Mr. HOWARD. I will say to my friend that that is delightfully indefinite. It is almost as indefinite as the promises of the Economy Committee during the past month as to when an agreement would be reached between the White House and the Economy Committee.

Mr. BOYLAN. They realize that no agreement can be reached. I will say, and my promise is more definite than theirs, I will see the gentleman and take it on myself to secure him a loan of this copy.

Mr. HOWARD. Fine.

Mr. WOODRUM. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. WOODRUM. If I understand the gentleman correctly, the copy he has exhibited to the committee is not at present obtainable?

Mr. BOYLAN. It is not.

Mr. WOODRUM. The gentleman, out of the goodness of his heart, wants to assist his less-fortunate colleagues in making available this information?

Mr. BOYLAN. I do.

Mr. WOODRUM. Then I suggest to the gentleman that he get unanimous consent to extend his remarks in the RECORD and print the bill. [Laughter.]

Mr. BOYLAN. I will adopt the gentleman's suggestion, and I make that request, Mr. Chairman.

Mr. STRONG of Kansas. Reserving the right to object, I think we all know that a committee preparing legislation has a confidential print made before the introduction of the bill. Although I am not a member of the committee, that was the process here. I understand the regular print of the bill will be ready by half past 3 this afternoon, so you need not worry about getting a confidential print.

Mr. BOYLAN. In answer to the gentleman, it may be true, but my point is, the membership of this House ought at least to be put in the same category as the newspapers when any information is given out. Does the gentleman agree to that?

Mr. STRONG of Kansas. I agree that when the committee has important legislation to report on, they have a confidential print made a day or two before its action.

Mr. PARKS. Mr. Chairman, I demand the regular order.

Mr. BOYLAN. I yield to the gentleman from New York.

Mr. FITZPATRICK. I want to ask the gentleman if it is possible that the Economy Committee gave out to the newspapers the information that they were to cut down the salaries and pay for overtime, so that private corporations will be prepared to do the same thing, and instead of having 7,000,000 unemployed we will have 10,000,000 unemployed?

Mr. BOYLAN. The gentleman's deductions are correct.

Mr. FITZPATRICK. That is what the Economy Committee is trying to do, to increase the unemployment in this country.

Mr. BOYLAN. There is no doubt about it.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. LAGUARDIA. Now that the advance information has been given about this reduction economy bill, I think it is well that the public should know that when this rule comes up Wednesday for a vote we are going to vote it down on both sides of this aisle. [Applause.]

Mr. BOYLAN. I sincerely trust so.

Mr. GOSS. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. GOSS. I am in sympathy with the gentleman, and I find myself in the same position. I called on the Committee on Appropriations for a copy of the Army appropriation bill. I understand the subcommittee has been sitting since January and no Member of the House can get a copy.

Mr. SIMMONS, Mr. LA GUARDIA, and others asked Mr. BOYLAN to yield.

Mr. BOYLAN. Hold on, gentlemen; take it as the monkey killed the bees, one at a time. [Laughter.] I yield to the gentleman from Nebraska.

Mr. SIMMONS. In view that the charge has been made against the committee of which the gentleman and I are members, I want to say that there is no War Department bill. Hearings have been held, but no bill has been introduced in the committee. No bill therefore has been suppressed.

Mr. PARKS. I want to say that not even the subcommittee has any bill, nor has any bill been presented to the full committee.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. BARBOUR. So far as the War Department subcommittee is concerned, there is not even a confidential print of it.

Mr. BOYLAN. I thank the gentlemen for their contributions.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. BUSBY. The gentleman from Kansas [Mr. STRONG] assured the gentleman that at 3.30 o'clock copies of this bill would be available. I want to say to the gentleman that the gentleman from Kansas got that information from one of the pages of the House. [Laughter.]

Mr. BOYLAN. Oh I see; that is in line with my own experience.

Mr. EATON of Colorado. What is the date on the page of the newspaper that the gentleman has been referring to?

Mr. BOYLAN. The newspaper is the New York Times, and the date is New York, Monday, April 25, 1932. What is the reason for all this secrecy? We are told that this bill is going to be brought in here under a stringent rule as a rider to the legislative appropriation bill. I call your attention to this little (?) rider which I hold in my hand. There are only 68 pages in it. I do not think in all of the history of this House, from the first Congress up to and including the Seventy-second Congress, there has been a rider of these gigantic proportions attached to any bill. We are told that an application will be made for a rule, and that under that rule only one or two or three amendments may be offered to different sections—an ironclad rule. Then an effort will be made to adopt the rule, with perhaps a short debate of 20 minutes or half an hour on a side.

They will then endeavor to pass this rider of 68 pages, a rider that should be considered in this House separately on its own merit, if it has any, because it contains many provisions. We have in this House a committee known as the Committee on Appropriations. Many writers in writing about the committees of the House of Representatives have put the Committee on Appropriations as the first committee of the House. In other days the leader was always a member of the Committee on Appropriations, and this committee was considered of transcendent importance. Yet, Mr. Chairman, this historic committee with its wonderful background extending over 100 years, is practically ignored and superseded by an Economy Committee springing into life seven or eight weeks ago, and now we have this Economy Committee usurping the rights and the prerogatives of one of the most important committees of the House.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. SIROVICH. Does my distinguished colleague realize that by voting down the rule we can destroy the rider and everything that goes with it on Wednesday next?

Mr. BOYLAN. Absolutely. But the gentleman anticipates me. I am laying the proper foundation for my remarks.

Mr. COLTON. It might also be interesting at this point to note that the Economy Committee has entirely displaced the Committee on Expenditures in the Executive Departments.

Mr. BOYLAN. Absolutely it has.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. GIFFORD. The gentleman has had the opportunity of reading the bill, which we have not. Is it like all other bills in this Democratic Congress—a nonpartisan bill?

Mr. BOYLAN. I don't like the form of the question. [Laughter.] I ask the gentleman to reframe the question if he will. I am not speaking in any partisan sense. I am speaking of a committee which is supposed to be a bipartisan committee. If the gentleman will ask me the question and delete the word "Democratic" I shall be pleased to answer his question.

Mr. GIFFORD. I would like to ask the question, but the gentleman must acknowledge that a majority of the Committee on Rules and a majority of the Economy Committee are Democrats. Therefore, they should have credit for whatever product they bring forth.

Mr. LAGUARDIA. If the Members on this side do not vote against the rule on Wednesday, I think we can pick up enough votes on the other side of the aisle to defeat the whole thing.

Mr. BOYLAN. Of course, if the gentleman from Massachusetts persists in trying to put partisanship into it, well and good. I have refrained. I think both parties are equally guilty, and I say to the gentleman that if this rule passes, members of both parties will have to answer to their constituents for it.

Mr. GIFFORD. May I ask the gentleman one more question?

Mr. BOYLAN. If it is a nonpartisan question. I object to any partisan question.

Mr. GIFFORD. In all matters affecting the Congress up to date, except in one little matter of an election contest, we have heard that everything is nonpartisan. Is not that a new doctrine?

Mr. BOYLAN. The gentleman knows that he, together with the rest of us, has stood behind the President in this so-called bipartisan program. Surely the gentleman has not forgotten our patriotic course.

Mr. GIFFORD. May I suggest to the gentleman that I read the newspapers, and they have furnished me all the knowledge that I have on this matter. I understand that the President's suggestions have been laid aside by the Economy Committee, and that somebody might be privileged to offer the President's suggestion as a substitute at some place in the bill. It is said that at some time there might be a right in the minority to represent the President, but that he has been turned down in this report. I have read that in the newspapers. Of course, the gentleman knows what the bill contains. I do not.

Mr. BOYLAN. If the gentleman will have patience, I shall try to tell him what is in my borrowed copy of the bill. [Laughter.]

Mr. SIROVICH. Will the gentleman yield?

Mr. BOYLAN. Again? Yes.

Mr. SIROVICH. Since the distinguished gentleman has stated that the Economy Committee has usurped the privileges and prerogatives of the Committee on Appropriations, and since the gentleman from Utah [Mr. COLTON] has stated they have also deprived the Committee on Expenditures of all their work, why would it not be possible, through a resolution, both sides getting together, to abolish the entire Economy Committee?

Mr. BOYLAN. I would say I would be delighted if such a course were pursued.

Now, turning again to this borrowed copy of the confidential committee report, on page 2 we find that—

> The compensation for each civilian and noncivilian office, position, employment, or enlistment in any branch or service of the United States Government or the government of the District of Columbia is hereby reduced as follows: Compensation at an annual rate of $1,000 or less shall be exempt from reduction.

Our expostulations on the floor have done a little good, because in the original plan submitted they intended to include charwomen at $50 a month. Now they have gone a little higher, and they have made it $83.33 a month or $1,000 a year as the exemption basis.

Mr. EATON of Colorado. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. EATON of Colorado. Has the gentleman with him what is known as a copy of the President's suggestions, or can the gentleman from Massachusetts [Mr. GIFFORD] tell us where we can get a copy of the President's suggestions, to which reference was made?

Mr. BOYLAN. Well, I think that was printed in the RECORD last week or the week before. The gentleman can get that by consulting the RECORD.

Mr. GIFFORD. May I suggest to the gentleman?

Mr. BOYLAN. Yes.

Mr. GIFFORD. I wonder if in that bill there is still allowed to remain the right of the President to issue a proclamation whenever, within 10 per cent, commodity prices are raised, so that all this may be set aside in a moment by the President of the United States? Is that left in the bill?

Mr. BOYLAN. I am glad to advise the distinguished statesman from Massachusetts that that is in the bill.

Now, let us take the minimum salary that would be subject to a reduction. That would be $1,100. A man or woman working for the Government, receiving a salary of $1,100 a year, under the provisions of this act would receive a reduction of 11 per cent on the $100 in excess of $1,000. Eleven per cent of $100 would be $11. Now, just imagine a poor little clerk, man or woman, working for $1,100 a year, being forced to take out of their small pay envelope the sum of $1 a month. Just think of it! One dollar a month to help this magnificent Government of the United States balance its Budget! [Laughter.] Can you imagine a large corporation of any kind making its charwomen or office boys—and an office boy in New York gets as much money as that and sometimes more—can you imagine them asking the office boy to contribute a dollar a month toward balancing the Budget? Why, it is so ridiculous that we ought not really talk about it.

Now, let us take another case. In figures that I presented to you last week I showed that the average salary of the Federal employees, outside of the legislative and judicial branches, was $1,440 a year. Fourteen hundred and forty dollars a year is the average salary of the Federal employee. Under this bill $1,000 is exempt. Then there is $440 which would be in excess of the $1,000 that would be subject to a tax of 11 per cent. That would mean a tax on a $1,440 per year clerk of approximately $55 a year.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. BLANTON. I think on the whole the Economy Committee has done splendid work. But the exemption should be more. Why not get together and put an amendment onto this bill that would give an exemption of at least $2,200, because it takes at least that much for a family to live?

Mr. BOYLAN. I am glad the gentleman asked that question.

Mr. BLANTON. I am with the gentleman in putting on that kind of an amendment to the bill.

Mr. BOYLAN. I am glad the gentleman made that suggestion, but the only way we can do it is to vote down this rule, because if the rule is adopted there will be no opportunity to amend the bill.

Mr. BLANTON. We will have to amend the bill unless we can get the committee to accept that $2,200 exemption.

Mr. BOYLAN. I agree with the gentleman, and I hope the gentleman will support us in that.

Mr. BLANTON. I will go along with the gentleman unless the committee puts that in themselves.

Mr. BOYLAN. I will be happy to have the gentleman go along with us.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. FITZPATRICK. If they exempt up to $2,200, they will not get any income.

Mr. BLANTON. If we can take the graft out of all these bureaus in Washington, we will balance the Budget without reducing any of the small salaries.

Mr. GIFFORD. Will the gentleman yield right there?

Mr. BOYLAN. In just a moment. Unless we have an opportunity to vote down the rule there will be no chance to offer an amendment such as that suggested by the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Well, what is going to keep us from voting it down? We are the free representatives of the people.

Mr. BOYLAN. I am glad to hear the gentleman say that, and I hope he will be with us.

Mr. GIFFORD. I might suggest to the gentleman that he might get a great many votes on this side if he can assure the Republicans they are not tied by it being a nonpartisan measure. Now, is that the President's suggestion or is that the Democratic bill?

Mr. BOYLAN. I think the gentleman is proceeding along one line of thought. I told the gentleman distinctly, as much as I love and esteem and revere and admire him, that I was not approaching this matter from a partisan standpoint.

Now, I am not making a partisan appeal. I am not looking at it that way. I am looking at it broadly and free from any partisanship. Every question the gentleman has asked me has been along partisan lines.

Mr. GIFFORD. The gentleman does not know, does he?

Mr. BOYLAN. It is a mixture of both, and both are bad.

Mr. BLANTON. Will the gentleman yield for one further question?

Mr. BOYLAN. Yes.

Mr. BLANTON. The orderly way to do, instead of voting the rule down, would be to vote down the previous question and then amend the rule. That would be the orderly procedure. I hope the gentleman will help us vote the previous question down and then proceed to amend the rule, because the bill as a whole is essential and necessary, and we ought to perfect the bill by proper amendments and then pass it.

Mr. BOYLAN. The gentleman is a distinguished parliamentarian. We will call a meeting, adopt a plan, and endeavor to follow a proper method of procedure.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. LAGUARDIA. I would suggest to the gentleman from Texas, who is a very able strategist on parliamentary maneuvering, that it would be extremely dangerous to pursue any such course. I think the better plan would be to vote down the rule, so that we will bring the parties responsible for this hodgepodge omnibus bill to their senses.

Mr. BLANTON. We would have two shots at it then in our efforts to perfect the bill. If we fail to vote down the previous question, we could still vote down the rule.

Mr. LAGUARDIA. But we do not want a little bit of pap put into this bill in order to get votes. We should vote down the rule.

Mr. BLANTON. If you vote down the previous question, we can then properly amend the rule.

Mr. LAGUARDIA. I would prefer voting down the rule.

Mr. BLANTON. The gentleman from New York knows how to handle bills on the floor. He has had some experience.

Mr. LAGUARDIA. I will look to the gentleman from Texas to help us vote down the rule.

Mr. BOYLAN. Will the gentlemen kindly yield me the floor now? [Laughter.]

Now, we go along and come to another part of the bill which says:

SUSPENSION OF SATURDAY HALF HOLIDAYS

The provisions of the act entitled "An act providing for Saturday half holidays for certain Government employees," approved March 3, 1931, shall be inoperative during the fiscal year ending June 30, 1933, and the provisions of law amended by such act shall apply as if such act had not been enacted.

Just think, gentlemen, after all the years we tried to give Government employees the benefit of a Saturday half holiday, and they have only had the benefit of it for one year, you come along and take it away from them. That is a provision which we certainly should consider ourselves bound to defeat, and unless we defeat the whole bill, the whole rider, that will be included in it.

Then along comes another little section where they are going to pass the hat. Just imagine the Government of the United States passing the hat. Here is a very fine section. It says:

In any case in which the application of the provisions of this title to any person would result in a diminution of compensation prohibited by the Constitution—

Listen to this, gentlemen:

the Secretary of the Treasury is authorized to accept from such person and cover into the Treasury as miscellaneous receipts remittance of such part of the compensation of such person as would not be paid to him if such diminution of compensation were not prohibited.

In other words, suppose you are getting a salary of $3,000 a year and owing to some provision in the Constitution these salary cutters are not able to get you; then in that case you are invited to do this: First, you exempt $1,000; then you have $2,000 left; 11 per cent of that will be $220, and, according to section 107, you are invited to go to the Treasury Department and hand in your check for $220. I trust you gentlemen will remember that.

Mr. BARBOUR. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. BARBOUR. Would that be legal when the Constitution of the United States provides that certain salaries shall not be cut or reduced during the term for which the officeholder is appointed? Could the Treasury take it?

Mr. BOYLAN. I do not hold forth as an able constitutional lawyer, but in my humble opinion I do not think it would be constitutional; in fact, I think this whole rider is unconstitutional.

Mr. BARBOUR. I think there is a very serious question as to whether the Treasury would have the right to receive that money.

Mr. BOYLAN. I believe the gentleman is correct in his assumption. Then, we have suspension of promotions and the filling of vacancies. You gentlemen know, and I know, that Congress passed laws in order to keep faithful employees in the Government service by guaranteeing to them certain promotions; that if in a grade above that in which an employee was working a vacancy existed either through death, resignation, or separation from the service, some one in that class or grade could look forward to being promoted to that vacancy. This is all carried away; all this hope is destroyed by a provision in this bill.

Now, we have another section, "Compulsory retirement for age."

Every one of us knows there are certain key men and women in the different departments whose services are almost invaluable to the Government and for whom we try to secure extensions of two years additional after they have reached the retirement age, not altogether as a benefit to the individual man or woman, but rather as a benefit and help and aid to the Government on account of the knowledge they have acquired by their long experience.

Then we come along and we find that the Postal Service is affected, and we are told that the traveling allowances provided for employees of the Postal Service shall not exceed $2 per day. Just imagine, gentlemen, a postal clerk traveling on business of the Government or a railway mail clerk traveling to connect with his train, is allowed the munificent sum of $2 a day to pay for his lodging and three meals. How any man can do this I do not know, but this is one of the conundrums, I suppose, that will have to be solved later.

Of course, on account of the limited time I have at my disposal, I can not go into every section of this nefarious rider, and I shall have to simply pick out certain ones as I go along.

We find in another section that no officer or employee of the Government shall be allowed or paid a higher rate of compensation for overtime work, for night work, or for work on Sundays and holidays, which is very, very unfair, because every trade and every business recognizes the additional hardship caused by working nights and working Sundays.

We have another illuminating provision here. The Postmaster General may temporarily assign a clerk to the duties of carrier or a carrier may be assigned to the duties of clerk, and it goes farther—he may assign any postal employee to the duties of a railway postal clerk or he may take a railway mail postal clerk off of his train and put him in a post office without change of pay-roll status.

I do not know what this will lead to, but I do know that we have in the New York City post office—and I guess you have the same thing in the other large cities of the country—substitute carriers who have been on the list as long as five and six years. Some of these poor fellows are only making on an average of $15 a week. If they are going to take men off the trains and put them into the post office, if they are going to have clerks do carrier work, I do not know what is going to happen to the poor substitute.

Mr. KETCHAM. Will the gentleman yield briefly at this point?

Mr. BOYLAN. Yes.

Mr. KETCHAM. Before the gentleman leaves his discussion of transfers to which he has just made reference, will the gentleman be kind enough to advise the House whether such transfers are subject to any review by the Congress upon recommendation of the President, or are they definite

powers given to the Postmaster General without any power of review?

Mr. BOYLAN. These are definite powers given to the Postmaster General, and as I understand it, without review.

Mr. KETCHAM. Later on in the section there is a provision which gives the President power to make certain reorganizations, and they go into effect subject to the review of Congress within a period of 60 days.

Mr. BOYLAN. That does not apply to this section.

Mr. BACON. Will the gentleman yield before leaving the matter of the mail service?

Mr. BOYLAN. Yes.

Mr. BACON. If the proposed 11 per cent cut goes through, plus a 10 per cent cut in the Senate, it will mean that all cities, instead of having three deliveries a day will have but one delivery a day. It will mean that no mail will be sorted in the Railway Mail Service, but will have to be sorted in the central post office, with a loss of 24 hours in the delivery of letters; and so far as rural delivery is concerned, it will mean a reduction from one delivery a day to two deliveries a week, and, in fact, if the 11 per cent cut plus the 10 per cent reduction in the Senate goes through, so far as all bills are concerned, in addition to the Post Office Department bill, it will mean that 80,000 people will lose their jobs and that this may affect 300,000 people.

Mr. BOYLAN. I am very glad the gentleman called my attention to that fact. I had made a note of it but it had slipped my mind.

The gentleman is correct in his assumption. I went into that matter last week in a few remarks I made, and showed that if the Senate made a 10 per cent cut after the Bureau of the Budget had made a cut and the Appropriations Committee had made a cut, and then this wonderful committee taxes them 11 per cent, I do not think there will be any salary left or any clerks left. I think we will have to call on dollar-a-year men and women to offer their services to the Government and perform all the Government functions, including the delivery of the mail.

There are a few more little things here. Here is a little section that is going to interest you gentlemen. You will have to pay for these things. I know I do.

SEC. 315. Increases in certain charges and fees. After the date of the enactment of this act, the price at which additional copies of Government publications are offered for sale to the public by the Superintendent of Documents shall be based on the cost of printing and binding plus 30 per cent, and such cost shall be in lieu of that prescribed in public resolution—

And so forth.

Now, just think of that, gentlemen. Your constituents write to you for documents of various kinds. They are going to cost you just 30 per cent more than you are now paying for them.

If you are willing to pay it, all right.

Mr. WELCH of California. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. WELCH of California. Does the bill provide for the cutting off or cutting down of assistance to the disabled war veterans?

Mr. BOYLAN. It does. That section was covered by the gentleman from California [Mr. SWING]. It does cover that; but I am not going into that again.

Now, gentlemen, do not forget when this rule comes in here on Wednesday that public documents are going to cost you 30 per cent more than you are now paying; and if they take the cut of 11 per cent off your salary, that will mean $990 a year, and adding that to the other expenses, I think your net salary is going to be at least $2,000 less than what you are now getting. So beware of this rule, I beseech you.

Now, they have a provision in here that even the courts are not allowed to interfere with the working of the bill. They are going to muzzle the courts.

They say that no court of the United States shall have jurisdiction in any suit against the United States or against any officer, agency, or instrumentality of the United States arising out of the application of any provision in this title—unless such suit involves the Constitution of the United States.

Was there ever a bill passed here with a provision like that in it to muzzle the courts? They are so fearful that the bill will not stand—and I know it will not stand—that they are going to muzzle the courts in advance. Is not that a wonderful prohibition?

Now, I hope the gentleman from Cape Cod [Mr. GIFFORD] is here, for here is a provision that will interest him.

Here is a provision that a fish hatchery located in any State may be transferred, with all of its personal property, to the State, and if any State shall cease to use the hatchery, it must revert to the United States.

Mr. GIFFORD. There is no fish hatchery in my district, except the scientific laboratory at Woods Hole.

Mr. BOYLAN. Well, the gentleman catches so many fish off Cape Cod that I suppose it is not necessary to have a fish hatchery. [Laughter.]

Now, what about the farmer? How do you feel about this? Here is a provision for the transfer of agricultural experiment stations. On the application of any State the Secretary of Agriculture is authorized to transfer to such State all right, title, and interest in the agricultural experiment station located in such State, together, and so forth. Now, it may be gentlemen, the Government is getting from under the agricultural experiment stations—are you willing to agree to this?

Mr. OSIAS. Will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. OSIAS. May I request the gentleman, with his brilliant powers of analysis, to turn to section 302, page 13?

Mr. BOYLAN. Oh, yes; that is the Philippine Scouts provision. I am glad the gentleman called my attention to that. Now, what is going to happen to the Scouts?

Here is what is going to happen to the Scouts. All expenses incurred on and after July 1, 1932, on account of the Philippine Scouts shall be charged to the government of the Philippine Islands.

The Secretary of War is to certify periodically to the Governor General the expenses incurred on account of the Philippine Scouts and those expenses are to be collected from the Philippine government by the Secretary of War and deposited to the credit of miscellaneous receipts in the United States Treasury.

It was not enough to throw them back on the Philippines at a cost approximately of $5,000,000 a year to that people for upkeep, but it even goes farther and adds insult to injury by saying that after having done that the President is authorized to disband the Philippine Scouts or reduce the personnel thereof.

Mr. OSIAS. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. Yes; with pleasure.

Mr. OSIAS. The gentleman is aware that the Philippine Scouts are a part and parcel of the United States Army, is he not?

Mr. BOYLAN. Certainly.

Mr. OSIAS. Does the gentleman think it honorable and just to proceed in accordance with that provision?

Mr. BOYLAN. I do not. I do not think that anything in this bill is just. Of course, if we pass the buck to the Filipinos and make them pay this bill, we can then say that we have saved $5,000,000.

Mr. OSIAS. And may I be permitted to add that the present law, approved by the Congress of the United States on February 2, 1901, already authorizes the President to fix the number up to 12,000 and places no limitation on his power to reduce the number. It seems to me, therefore, that that provision is unnecessary.

Mr. BOYLAN. That is true. I agree with the gentleman; but in this wild craze for economy we are snatching at every straw that will help reduce expenses, and, of course, if we can have the Filipinos pay the $5,000,000 instead of our paying it, we will have saved $5,000,000. The gentleman will agree with me on that, surely.

Mr. OSIAS. I am sure the gentleman would not allow a little matter of $5,000,000 to weigh in the balance against the principle that is involved?

Mr. BOYLAN. Absolutely I agree with the gentleman. Principle is above monetary worth; principle is priceless—therefore I oppose this item in this rider as I oppose every other item in it.

Mr. OSIAS. I thank the gentleman.

Mr. BOYLAN. Mr. Chairman, I have taken these few minutes to call attention to some of the high spots in this proposed rider. I do not know whether I am violating any confidence in reading out of the confidential print which was published in the morning newspapers or not, but be that as it may, I have simply taken the time so that you gentleman may carefully consider the sections of the rider.

Just imagine a 68-page rider will be presented to you at noon on Wednesday next without giving you proper opportunity for study. I beseech you to carefully examine the provisions of it in order that you may see where it affects not only the Federal employees but every branch of our Government, and in what manner it affects them. Remember, if we cut the salaries of Federal employees, we reduce their purchasing power; and I do not speak alone for the 70,000 employees in the city of Washington—I speak for the 700,000 Federal employees scattered throughout the length and breadth of this land. Every one of them is a potential purchaser, every one of them uses the salary he receives from the Government to purchase food and clothing and the necessaries of life; and if anything is left after doing that, then to buy a few of the refinements of life. Every one of these things enters into the daily life of industry in every State of the Union. You agree with me, I know, that the purchasing power of 700,000 employees at an average salary of $1,440 each is something that we must reckon with and something that should be considered by the Congress. You gentlemen know as well as I do that the minute the Congress reduces the salaries of Federal employees every mercantile and industrial organization throughout the United States will be waiting to take advantage of it and say, "The Federal Government has reduced salaries, so we now will also reduce salaries." [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOYLAN. Mr. Chairman, I ask unanimous consent to proceed for another hour.

Mr. BLACK. Mr. Chairman, I object.

Mr. TILSON. I ask unanimous consent that the gentleman may proceed for another hour.

Mr. BLACK. Mr. Chairman, I object.

Mrs. NORTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. THOMASON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 154, to authorize the merger of street-railway corporations and the acquiring of certain bus lines operating in the District of Columbia and adjacent States, and for other purposes, and had come to no resolution thereon.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that debate upon the pending bill conclude in 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mrs. NORTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 154.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House Joint Resolution 154, with Mr. THOMASON in the chair.

The Clerk read the title of the joint resolution.

Mr. KETCHAM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KETCHAM. What became of the request of the gentleman from New York [Mr. BOYLAN] for the publication of the report of the Economy Committee as an extension of his remarks in the RECORD? A reservation of objection was made, but I heard no disposition of it.

The CHAIRMAN. No such request was directed to the Chair.

Mr. KETCHAM. Then it is not to be printed as an extension of his remarks?

The CHAIRMAN. It is not.

Mrs. NORTON. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, for many years there has been an effort to merge the street-car companies of the city of Washington.

For two years prior to March 4, 1929, I labored on this matter, together with the gentleman from Texas [Mr. BLANTON] and the gentleman from Vermont [Mr. GIBSON], and others. I mention them, as they have mentioned me.

We went into this matter, I presume, as thoroughly as any committee of Congress has ever gone into any similar subject. I fought side by side with the gentleman from Texas and the gentleman from Vermont in opposing the merger then proposed. I think those gentlemen will give me credit for having been at least diligent in that hearing and for conducting a large part of the cross-examination.

I do not say that the present bill is altogether satisfactory to me. I do not believe any bill will ever be drawn that would be satisfactory to everybody, but this is so far superior to any proposal that has ever been made to the House, and it is so obvious that some merger should be effected, that I feel now, for the first time, that I am in accord with the merger proposed by the Public Utilities Commission. I think the gentleman from Texas [Mr. BLANTON] will give me credit for having eliminated from the former proposal the valuation of some $75,000,000 that was placed upon these properties. I came to the conclusion that that was an excessive valuation, and I knew the purpose would be to use it as a base for the purpose of fixing rates.

I also fought to have included in the merger a provision that the school children of this District should ride on greatly reduced fares.

I also fought for certain labor provisions. All of those matters have now either been effected in other legislation or the objectionable features have been eliminated from this bill. The vicious valuation of $75,000,000, which was attempted in previous proposals, has been eliminated. The reduced school fare has been provided in different legislation, and I feel that now is the time when the Public Utilities Commission should be given an opportunity to secure, if they will, and if justifiable, reduced fares for all riders of the street cars.

I agree with a great deal which the gentleman from Texas has stated, but to my mind that does not affect the matter of this merger. If there are any provisions in this bill that are unwise, we should eliminate them by amendment; but it is so obvious that it is unnecessary to have two overheads, it is so obvious that it is unnecessary to have miles of duplication of trackage and that we should eliminate those expenses that I feel that the objections that have been raised should be addressed to amendments rather than to defeating this merger.

The suggestion that the traffic policemen should be paid for by the taxpayers of the District instead of by the traction companies is, to my mind, sound. It is true it adds an additional burden to the taxpayers of the District, but it is a burden they should bear, and should always have borne. It is not only unfair to the riders of the street cars that they should pay for traffic policemen rather than the general taxpayers of the District, but it is unsound governmentally. Officers of the law are now being paid for in the District of Columbia by private corporations.

I am not so sure of the matter of street paving. It is true this merger bill transfers certain paving from the street-car companies or from the street-car riders, if you please, to the general taxpayers of the District. I am not so sure that that is a wise provision, but that should not stand in the way of this merger. If the committee feels that the street cars should bear that, and it is borne by the street-car companies in many States of the Union, it can be eliminated by amendment. But, as the gentleman from Texas has pointed out, because the Public Utilities Commission in the past has not shown much sympathetic consideration of these matters is no reason why overhead and duplication of trackage and many unnecessary expenses that are now carried in this duplication should not be eliminated.

The gentleman from Texas pointed out the great rise in the value of these stocks. I am not as fresh upon this as the gentleman is, but the committee went into it fully, and my recollection is that that was caused by the fact that the Washington Railway & Electric Co. owned the power company and received the benefit of the profit from light consumers in the District. But my recollection is very distinct that the income on those stocks, when confined to street-car traffic, was not greater than 3 per cent.

The gentleman from New York [Mr. LaGuardia] has suggested that the 7 per cent provision as a maximum to be earned on stocks is out of keeping with the general times and that it is too much. That may be, but that is not fixed by Congress, and any rate we would fix would be absolutely immaterial. That has been fixed by the Supreme Court of the United States; and regardless of what we might write into this bill as a fair return, those companies could go into court under the confiscatory clause of the Constitution of the United States and ask for a fair return on their property, and it would be fixed by the courts.

I do not know that there is anything I can add. I would not have taken this time had it not been for the fact that it was shown that I had vigorously opposed these mergers in the past. That is true. But I felt it fair to say to them and to those of you who knew of any prior position I might have taken, that I feel now that the objectionable, the substantial features to the merger which we opposed have, through years of fight, been eliminated. I am glad to have taken some small part in that fight, in which the gentleman from Texas has been so helpful to the people of the District, and in which the gentleman from Vermont has been so helpful. I think both of those gentlemen will bear witness to the fact that the things we fought against hardest have been eliminated, and I, for one, will say that, although this merger bill is not as I would write it, yet undoubtedly we ought to have a merger.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mrs. NORTON. Mr. Chairman, I yield nine minutes to the gentleman from New York [Mr. LaGuardia].

Mr. LaGUARDIA. Mr. Chairman, were it not for the extreme importance to the entire country of the so-called amendment which is to be offered on Wednesday to the legislative appropriation bill, I would not trespass upon the time of this committee, which has been very patient all afternoon.

Mr. Chairman, I want to point out to the membership of this House that this so-called economy plan which is being brought before us is the result of a hysteria, a mania on the part of just a few individuals who are smarting under the disappointment of the revenue bill which was passed by this House.

We can not by the wildest stretch of the imagination so curtail the Budget without an increase of taxes. The revenue bill will be passed by the Senate and will become a law notwithstanding the misrepresentations that are being sent throughout the country at this time.

The whole purpose is to bring down the wage scale in the United States and I want to point out to my colleagues the fallacy of such a policy.

This will reduce the purchasing power of the American people, which is now at a low ebb. It will further reduce the purchasing power of the American people to the extent of several hundreds of millions of dollars. The amount deducted from Federal employees and from the normal expenditures of the Government will so demoralize the departments and so impair public business as to create a complete breakdown of the Government.

No constructive suggestion has been made as to where we can economize, and let me point out something significant.

Gentlemen will remember that last summer a group of bankers called on the President and forced the President to issue his statement on the moratorium. The country was committed and Congress could do nothing else but ratify that commitment made by the President. Now, it is sought to make the employees of the Federal Government pay the cost of that moratorium. If you take the figures you will see that this is significant.

If you consider the figures you will see that the loss of the amount due on the foreign debts is, this year and next year, by reason of the foreign debtors not paying the United States, to be partially made up by economies in the Government service and reduction of Federal wages. When the moratorium was declared, it was believed that it would be absorbed by the entire country.

Gentlemen, I hope this House will not be trapped, may I say, with any sugar-coated rules, because the subjects in the proposed amendment would not be germane under the rules of this House to a legislative appropriation bill. Why, the outrage that is being perpetrated on the people of the Philippines—and the Commissioner sits here at this moment—would not be germane to any appropriation bill imposing an additional $5,000,000 to be collected at the point of the bayonet for the support of a military establishment that the people of the Philippines never created, never asked for, and do not want. In addition, there are many legislative features which should each be separately considered.

I submit, gentlemen, this House should resent being treated like kindergarten children by placing this makeshift, this legislative monstrosity, on the legislative bill so as to say, "You have got to vote for it because your salaries are to be decreased."

Let us vote on every proposition on its merits; and I submit, gentlemen, to study the proposed rule, although it may seem to be a liberal rule, it should be voted down. Why should we be limited in the number of amendments the membership of this House may want to offer to any given proposition?

Mr. KELLER. Does the rule provide that?

Mr. LaGUARDIA. You will find the rule limits the number of amendments; and I say that any rule that limits the constitutional right of the membership of this body to legislate is a gag rule no matter what they may call it.

Another thing I want to warn against is the so-called bipartisan feature. Bipartisan action may be vicious just as bipartisan action may be good. I want to point out to the leadership on this side that they will be in no position to criticize the conduct of the majority unless they have the courage to back such criticism by their votes in voting down the rule.

I want to appeal to my friends on the Democratic side. I know they do not want to lend themselves to a scheme which would destroy labor conditions that have taken 50 years to acquire in this country by blindly voting for the rule and swallowing this bill.

Why, gentlemen, extra pay for night work, known as the night differential, and pay for overtime are fundamental principles of labor that labor has struggled for 50 years in this country to obtain; and now with one stroke, under the guise of economy, based upon misrepresentation, Mr. Chairman—willful misrepresentation—all progress and benefits to labor are to be swept aside.

I have letters in my office—stereotyped letters—prepared by the largest banks in this country and given to unemployed people to sign, stating that unless the tax bill is defeated unemployment will continue. Did the working people of this country cause the depression? Not at all. Who unbalanced the Budget? The Budget was unbalanced

on account of the fact that the income of the American people has been destroyed by being defrauded of billions and billions on no-good securities. Who sold these securities? Why, the very same people who are seeking to reduce wages and avoid taxes.

At this very time, Mr. Chairman, we are inflating the currency regardless of any new legislation. The Federal reserve officials testified before the Banking and Currency Committee of the House that they are issuing currency to the extent of $25,000,000 a week and raising it to $100,000,000 in this attempt to bring up commodity prices. If we are going to bring up commodity prices, how can we with any decency reduce wages? Such a scheme of inflating currency and reducing wages would make the working people of this country pay the entire cost of the depression. That is the whole effort—to inflate the currency, increase commodity prices, decrease wages, create a poor half-starved working class with the possibility of greater exploitation, and make the working people pay all the cost of the depression. [Appaluse.]

The CHAIRMAN. All time has expired, and the Clerk will read.

The Clerk read as follows:

SEC. 2. Such unification in accordance with said agreement, and each and every one of the provisions therein, be, and the same are hereby, ratified and approved, and said Capital Transit Co., when organized under the provisions of subchapter 4, chapter 18, of the Code of Law of the District of Columbia, shall have all the powers, benefits, and obligations expressed in said unification agreement, approved as aforesaid; and the Public Utilities Commission of the District of Columbia be, and is hereby, authorized and directed to do all such acts and things as may be necessary or appropriate on its part to carry out the provisions of said agreement and of this resolution.

Mr. BLANTON. Mr. Chairman, I offer a preferential motion. I move to strike out the resolving clause.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, I think this bill ought to be stopped here. I do not know whether we can do it or not, with just a few Members on the floor, and most of them members of the committee, but we ought to make the attempt for the following reasons: It changes existing law with respect to the charter fare of 5 cents. I hope that the charter will not be changed requiring them to carry passengers for 5 cents. Then this permits them to stop paving between tracks.

They never have paid anything for their franchise, and they ought to continue paving between the tracks. That is worth $150,000 or $200,000 a year to them or more.

We ought to beat it, because it gives them a valuable right in stopping their payment for traffic policemen. They have always paid that, and by this bill we are putting it on the people without a corresponding benefit.

We ought to beat it because this will permit them as soon as it is approved to increase their capital stock, and to increase their bonds to an unlimited amount. There is no limitation whatever placed on it. They will sell their new stocks and bonds and use them in trying to get a return on all this, and then getting the Public Utilities Commission to let them increase their fare. I think we ought to stop it right here.

If you look at it, I doubt whether it would be a legal enactment if it does pass. There are a lot of whereases, and the resolving clause is not properly drawn, but crudely put together. The railway companies are not properly named, and the railway companies could take advantage of it if they wanted to, and the people can not do it. For all these reasons I think the bill ought to be stopped right where it is.

Mr. BLACK. Mr. Chairman, the gentleman from Texas wants to undo the work of Congress for a great number of years in an effort to serve the people of the District of Columbia by a simple motion to strike out the resolving clause. He says the resolving clause is not properly drawn, and that the companies are not properly named. He says that the bill is crudely drawn. The reason that the companies in the agreement are not always named by their full names is simply for convenience. They call the Capital Traction Co. in various parts of the agreement the Capital Co., having said in the first paragraph that it shall be so known. It is merely a matter of convenience. There is no subterfuge or underground business about it, nor is it unfair. Congress has had this burden on its hands for years, and it is time to get rid of it. It is the unanimous sentiment of the people of the District that something be done about clearing up the situation that is created by competing public utilities on the streets of the city of Washington—and they exist no place else in the country. We owe it to the people of Washington, who have a real basis for the demand for this merger, that we do something about it.

If some gentlemen do not like some parts of the bill, then let us get along with the reading of the bill, and see whether we can perfect it by amendment to that particular part. If reasonable suggestions or amendments are offered, the committee may agree to adopt them, but it is highly unfair at the outset of the reading of the bill to try to destroy the whole bill because one Member says, for instance, that the company's right name is not always used in the agreement. This thing has plagued the Congress and has taken up the time of the Congress. It is the obvious thing to do. There is not a board of aldermen in any city who would not merge street railways. There is not a board of aldermen or a legislature in any part of the world that would agree that there ought to be competing public utilities in any municipality. This bill is a fair bill. It does not call upon the Congress to operate the street railways, it calls upon the Congress to outline the matter of operations, leaving it to the agent of the Government, the Public Utilities Commission, to see to it that everything is fair to the people of the District and to the companies. The Bureau of Efficiency has examined the bill and worked upon it, and the committees of the Senate and the House have worked upon it as has the House; and after the consideration that has been given it, it would be highly unfair to destroy the composite work of all of these committees and all of these bureaus, with one fell blow by a motion to strike out the resolving clause. The fair thing to do is to read the bill; and if we do not like parts of it, then try to amend those parts. I hope the motion will not prevail.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to strike out the resolving clause.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 5, noes 34.

So the amendment was rejected.

Mr. CHINDBLOM. Mr. Chairman, for the purpose of the RECORD, inasmuch as section 1 has not been read, and it is the intention of the amendment that section 1 shall be a preamble, I ask unanimous consent that the reading of section 1 be now dispensed with, and that it be returned to hereafter.

Mr. BLANTON. Mr. Chairman, reserving the right to object, I understand what the gentleman has in mind. I think that we can accept the amendment that the gentleman has in mind.

Mr. CHINDBLOM. I am not offering an amendment.

Mr. BLANTON. Mr. Chairman, we never read any of the preamble. I object.

Mr. CHINDBLOM. The point is this: As it now reads, section 1 is not a preamble. The amendment proposes to make it a preamble. I therefore ask that the reading of section 1 as a preamble be deferred until the rest of the bill has been read.

Mr. BLANTON. I object.

Mr. STAFFORD. The committee has already deferred it.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out the resolving clause and insert, on line 1, page 22, the words "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That such," and in line 1, page 22, strike out "Sec. 2. Such."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Without objection, the word "assembled" will be correctly spelled in line 3, page 22.

There was no objection.

The Clerk read as follows:

SEC. 3. This agreement, hereinbefore set forth, shall be submitted to the stockholders of the Capital Co. and the Washington Co. for their action within six months after its approval by the Congress.

With the following committee amendment:

Page 22, line 15, strike out the figure "3" and insert the figure "2."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 4. That all provisions of law making it incumbent upon any street-railway company to bear the expense of policemen at street-railway crossings and intersections, the laying of new pavement, the making of permanent improvements, renewals, or repairs to the pavement of streets and public bridges, and the permanent improvements, renewals, or repairs to public bridges over which the street-car lines operate, are hereby repealed, such repeal to be effective on the date the unification herein authorized becomes operative: *Provided*, That the Capital Transit Co. herein provided for shall bear the entire cost of paving, repairs, or replacements incident to track repairs, replacements, or changes made at a time when the street or bridge is not being paved, and shall bear one-fourth the cost of other paving, repaving, or maintenance of paving between its track and for two feet outside the outer rails, and shall bear the excess cost of construction and maintenance of public bridges due to the existence or installation of its tracks on such bridges: *Provided further*, That nothing herein contained shall relieve said Capital Transit Co. from liability for street paving as owner of real estate apart from right of way occupied by its tracks as provided by section 8 of the act of Congress entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes," approved September 1, 1916, as amended to date.

With the following committee amendment:

Page 22, line 19, strike out the figure "4" and insert the figure "3."

Mr. BLANTON. Mr. Chairman, before the committee amendment is put, I have a perfecting amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 23, line 2, after the word "repealed," strike out the comma, insert colon and the following:

"*Provided*, That the rate of fare for adults shall not exceed 5 cents, as provided in their charters."

Mr. BLACK. Mr. Chairman, I reserve a point of order.

Mr. BLANTON. Mr. Chairman, we are giving these railroads valuable rights in this provision of the bill. Both their charters provide that they shall never charge the people of Washington more than 5 cents fare. They have never paid anything for this franchise right. One of our friends from Kentucky a while ago, coming from a small city, told me that his railroad company paid $6,000 a year for its franchise as a street railway, and they paved all between the tracks and for 18 inches on each side of the outside rails.

They have always done that here, even with the 5-cent fare provision in the charter. We are relieving them of all this paving, we are relieving them of all this repair of bridges, we are relieving them of the traffic policemen which they have always maintained at a cost running up into the thousands every year. Should we not hold them to their charter provisions? Do you not think we ought to make them comply with the contract that they executed when they got this valuable charter from the people of the District of Columbia? They are handling such of the 70,000 Government employees in Washington every day who ride on street cars. Let us hold them to their charters.

Mr. McLEOD. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. McLEOD. Is the gentleman aware of the fact that these companies are now earning less than 3 per cent?

Mr. BLANTON. Oh, I heard those figures that the railway company sent to the gentleman from West Virginia to read. But that is on watered stock.

Mr. McLEOD. No one sent them to me.

Mr. BLANTON. The gentleman from West Virginia, back in 1925 and 1926, when the gentleman from Vermont [Mr. GIBSON], and the gentleman from Kentucky [Mr. GILBERT], and myself were trying to get them to go back to their charter rights, then read figures for the railway companies. He is the man we had to fight. He is still the man we have to fight on the floor.

Mr. BOWMAN. Will the gentleman yield right there?

Mr. BLANTON. No; I do not yield.

I have called the gentleman down so many times it is shameful. He is the one we had to fight all the way through, and we are still having him to fight. That is nothing new here. I had to call him down every day when we were trying to get rights for the people, and we ought to see to it that they go back to their charter provisions if we are going to relieve them of all these responsibilities.

Mr. FOSS. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. FOSS. If the 5-cent fare is a charter provision, why are they charging more now?

Mr. BLANTON. Because they are getting by this Public Utilities Commission here. There is always somebody friendly to them that protects them.

Mr. PALMISANO. Will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. PALMISANO. As an attorney, wanting to protect the people, as the gentleman is always claiming, why not have an injunction filed against them?

Mr. BLANTON. Oh, who is going to pay for that? I have paid out a lot of money in trying to protect the people. I paid a lot of money the other day to have Resolution No. 355 printed so that I could get it before the Members of Congress. I do that all the time; but who is going to take the lead in getting out an injunction?

Mr. PALMISANO. But is it not true that the gentleman knows he would get nowhere, and for that reason he has not done it?

Mr. BLANTON. I know that we forced the 3-cent car fare for the little children, and they have not stopped us yet by injunction.

Mr. BOWMAN. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. BOWMAN. Where is the 3-cent car fare now? It is in the Supreme Court of the District of Columbia.

Mr. BLANTON. But it is still in force and effect. Oh, the gentleman is not in favor of that either?

Mr. BOWMAN. I am in favor of it and I voted for it, I will say to the gentleman.

Mr. BLANTON. Why does not the gentleman from West Virginia help us instead of trying to hamstring us when we want to get something satisfactory?

Mr. BOWMAN. In voting for this merger let me say that I am doing more for the District than the gentleman from Texas.

Mrs. NORTON. Will the gentleman yield?

Mr. BLANTON. I yield.

Mrs. NORTON. The gentleman from West Virginia has always helped us.

Mr. BLANTON. I am speaking of the years before the lady recently became chairman of the committee. He did not help us. He did not help the gentleman from Vermont [Mr. GIBSON] and myself when we worked on that committee. He did not help the gentleman from Kentucky, Judge GILBERT, and myself when we were after Commissioner Fenning.

Mrs. NORTON. That depends entirely upon the point of view of the gentleman from Texas.

Mr. BLANTON. My point of view was for the people. The point of view of the gentleman from West Virginia has always been reading figures that the railway companies sent him. He admitted that.

Mr. BLACK. He was right.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. I was reading the people's figures. The gentleman from West Virginia was reading the railway companies'.

Mr. BLACK. Mr. Chairman, I make the point of order that the amendment offered by the gentleman is not germane. It is entirely a fare-regulatory provision, and this is simply a permissive bill, allowing the two companies to merge.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. BLANTON. Mr. Chairman, I think it is certainly germane to this bill, but it may probably be necessary to offer it as a new paragraph. This is a reorganization of the railway companies, providing for a merger. It refers back to both of their charters. Their charter provides a regular 5-cent fare. I will offer it again later on as a new paragraph.

The CHAIRMAN (Mr. THOMASON). In the opinion of the Chair the amendment might be germane if offered as a new section.

Mr. BLANTON. I offer it as a new section.

The CHAIRMAN. But this, however, is dealing with expenses incident to the maintaining of policemen and paving of intersections.

Mr. BLANTON. I offer it as a new section at the end of that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLANTON. I offer it as a new section at the end of the paragraph.

Mr. STAFFORD. Mr. Chairman, I make a point of order against it being offered as a new section, because I desire to offer a perfecting amendment to the present section.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 22, line 19, strike out the figure "4" and insert the figure "3."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I offer an amendment, which I have sent to the desk.

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 23, line 8, strike out "one-fourth" and insert in lieu thereof "three-fourths."

Mr. STAFFORD. Mr. Chairman, for years there has been a question as to whether it was proper to require the street-car companies here to maintain crossing policemen. I am not attempting to contest the position of the committee in recommending the repeal of that provision, although the District Commissioners do criticize rather strongly the repeal of that provision, calling attention to the fact that it will cost the District $100,000. There was some reason for originally placing that burden upon the street-car companies, because of the peculiar character of operation, namely, that of having the street-car systems operated by conduits and not by trolleys. Bear in mind the fact that policemen are not maintained except at crossings where the existing street-car companies cross each other's respective lines. However, I take a firm position against what I consider an outrage upon the people of the District, the taxpayers of the District, in imposing the burden of paving between the tracks upon the District of Columbia. The bill seeks to repeal existing law and only levy a charge of one-fourth of that expense upon the street-car company. Bear in mind the fact that there are many cities—certainly my own city—which require street-car companies to pay for paving between the tracks and 18 inches outside. Why? Because they virtually preempt the use of the streets and more so in the District of Columbia where the character of construction makes the space between the tracks virtually unserviceable for other vehicles. Anyone who has made the barest observation of street-car operation knows that their heavy cars destroy the pavement of the streets. They know it is much more difficult and much more expensive to maintain the pavement between the tracks and 18 inches besides than on the rest of the highway.

We are granting them the exclusive privilege of using a valuable right of way. There is no denying it. Any person who walks the streets of Washington knows that vehicles do not use the right of way between the tracks except occasionally.

I do not want to place an undue burden upon them, but I say it is unfair to only impose on them one-fourth of the cost. We do not exempt railroad companies from the burden of paving when they cross highways; but here, where valuable franchises have been granted, we are proposing to repeal that section of the law which places all of the burden of taxation upon the street-car companies and only compel them to pay one-fourth of the cost, thus adding the burden upon the taxpayers of the District of Columbia. I say we should compel the street-car companies here to bear three-fourths of its cost and only impose a burden of one-fourth on the taxpayers of the District of Columbia.

I want to be fair. I am willing to go along with the committee as far as traffic policemen are concerned, but I say it is no more than fair to the taxpayers of the District of Columbia to compel the street-car companies to bear three-fourths of the cost of paving an exclusive right of way, which the street-car companies use on the streets of Washington. [Applause.]

Mr. BLACK. Mr. Chairman, I rise in opposition to the amendment. I think the statement made by the gentleman from Wisconsin is incorrect when he says that these street-car companies have an exclusive right of way. They have no exclusive right of way. The street-railway companies are now paying for a right of way that belongs to anybody and everybody. Not only their cars but anybody's automobile or trucks can run over their right of way and destroy it.

In the gentleman's own city I understand there was some special arrangement made with the street-railway companies relieving them to a big extent of their burden in respect to paving.

Mr. STAFFORD. Not at all. They are bearing the burden in Milwaukee, and always have.

Mr. BLACK. I understand there is an agreement between the city of Milwaukee and the Milwaukee Electric Co.

Mr. STAFFORD. There is to this extent: That those companies must pave between the trackage and 18 inches on the outside.

Mr. BLACK. I understand that was some relief to the companies from the old condition.

Mr. STAFFORD. No; the old condition was that they were obliged to charge a 5-cent fare, but they were granted an indeterminate franchise, one of the conditions being the obligation of paving between the tracks and 18 inches on the outside, and that condition is found in other cities.

Mr. BLACK. All over the country there has been a tendency to relieve street railways of these paving charges. Realizing the value of street railways to their growth, the municipalities have had a tendency to relieve street railways of that condition.

Communities have realized that the original investment in street railways had a great deal to do with the development of municipalities; they have realized that street railways have had a great deal to do with the development of outlying portions of communities; communities have realized that taxable property has been added to their list, and for that reason they have relieved railway companies of these paving charges. If it is right in principle to relieve them of some of the charges, then they ought to be relieved of as much as is possible.

Under this bill they are charged with one-fourth of the cost. They are now paying for paving and improvements that take up about 35 per cent of the highway, but they do not have the exclusive use of 35 per cent of the highway. So they are being relieved of this charge, which is in line with what other communities are doing.

If this merger is successful, it will be in the interest of the car riders of Washington; it will be in the interest of the city of Washington; it will be an economy that will help the city develop; it will result in the railway companies rendering a service that will build up outlying portions of the city,

by which a vast taxable area will be added to the city of Washington, and in the long run the taxpayers of the District of Columbia will be benefited by reason of increased real-estate values. That will come about by reason of a better railway system than they now have, and it will be the railway's contribution to the city, more than offsetting the paving charges.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. I think we should face realities in regard to this trolley business. We all know that the trolley business was originally a horse-car proposition and that between the tracks it was necessary to have quite a different kind of pavement from that which was on the outside of the rails. It was necessary to have soft ground for the horses' feet.

Later on, when the electric trolley arrived, it was better to pave between the tracks, because it was no longer necessary to have soft ground for the horses.

Then came the automobile. Since that time we have used the portion of the highway between the tracks as well as outside, and it is now used by automobiles, trucks, and everything else.

The trolley companies do not have the exclusive right of way, neither do they prevent the use of any part of the street by trucks and automobiles, but they were quite generally required to pave between the rails and for a certain distance outside of the rails. There was a certain fitness in requiring the trolley companies to make the now disused horse path usable for other traffic purposes, but no doubt the chief reason was because the trolley business was rapidly becoming a most profitable business. People went into it and made considerable sums of money at that time, but what has happened recently, since the automobile has come along? We know that trolley cars are rapidly disappearing in this country, and yet they are still necessary to complete our system of transportation. For people who can not afford their own automobiles some means must be provided to come down town in the morning and to return when their day's work is finished.

What we are going to accomplish if we insist upon unreasonable requirements for the trolley companies, is to drive them entirely from our streets, and what will this mean to the working people and to all the poor people of our cities?

We might just as well face the facts, and they are somewhat disturbing, too. Take the statement that the gentleman from West Virginia read showing the decrease in the number of passengers carried and the rapidly diminishing revenues. It shows that the trolley business is going out of existence unless it is accorded fair treatment and recognized as a necessary part of urban transportation systems.

I have no financial interest in trolley companies, but I have great interest in a proper transportation system for the country and in maintaining it for the good of the people. Unless we act sensibly, sanely, and reasonably toward these trolley companies, giving them a fair chance to continue in business, they will be forced sooner or later to go out of existence. They are not making great sums of money now, they are not paying large dividends, many of them paying nothing, and, unfortunately, I fear that they are going to make less as time goes on.

Mr. KELLER. Why?

Mr. TILSON. Because of the automobile, because of the bus, because this is no longer a trolley age. It is an automobile age; but, nevertheless, the trolley-car business is still necessary to complete our transportation system. Let us not destroy it.

Remember that we are no longer striking at big, prosperous, profitable corporations, but are striking at a business that all over this country is struggling for its very existence. In many smaller towns and in some larger ones the trolley companies have ceased to operate entirely. Let us not by our acts help force the Capital City of our country into this category. Let us allow this merger to take place.

I am glad that this committee, under the leadership of the lady from New Jersey [Mrs. NORTON], has done something that other District Committees for many years have failed to do. She has finally succeeded in bringing to the House a workable bill under which a proper merger can take place for the good of the people of this city, and I hope the measure will be passed.

Mrs. NORTON. Will the gentleman from Connecticut yield?

Mr. TILSON. Yes.

Mrs. NORTON. I would like to observe that the credit for most of the work on the bill goes to my colleague, the gentleman from New York [Mr. BLACK].

Mr. TILSON. Whoever has done it deserves great praise and we ought not to tear the measure to pieces. We ought to pass a reasonable bill that will permit the merger to take place and thus make possible a unified control so necessary for successful operation under present conditions. [Applause.]

[Here the gavel fell.]

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCHAFER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein a letter which I have received from the Secretary of War in answer to my inquiry with reference to the Army Transport Service, which is proposed to be abolished under the so-called economy bill which will be considered in the House next Wednesday.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Chairman, it is regrettable that in these days of financial stress and unemployment the House of Representatives and the Senate of the United States do not use better judgment. Instead of adding to the misery and the depressing situation throughout the country, we should do what we can to relieve it.

We have an Economy Committee which is going to report for your consideration on Wednesday a 69-page bill radically changing many old and vital policies of our Nation. No printed hearings are available so that the Members of the Congress can study the evidence presented to the committee to justify any portion of that bill. Yet, in the name of economy we are asked to allow ourselves to be stampeded and vote for the legislation under a gag rule when the report of the committee on the bill will not even be in the hands of the membership until the morning of the day set for its consideration in the House. The copy of the bill was not even available until to-day, and the bill is to be considered day after to-morrow. What a ridiculous position the membership of this House finds itself in. Is there any Member who is a superman or woman who can fairly claim that they will be able to intelligently vote on this bill under such circumstances? There is not in my opinion; and if the bill is passed, the membership voting to do so will merely rubber stamp the Economy Committee, which itself is divided on most of the bill's features.

Mr. Chairman, this bill changes our whole policy of national defense and provides for the consolidation of the Army and Navy, which was defeated in the Committee on Expenditures in the Executive Departments after long hearings and extensive study in executive sessions. The only witnesses appearing before the Expenditures Committee in favor of the Army and Navy consolidation were two members of the Economy Committee, the gentleman from Tennessee [Mr. BYRNS] and the gentleman from South Dakota [Mr. WILLIAMSON]. I suppose in these days of unrest among the foreign nations of the world that if America were to engage in another major conflict we should remove the Secretary of War, the Secretary of the Navy, and our Army generals and Navy admirals who opposed this bill from the service of the country to join ranks of the unemployed, in the name

of economy, and let Mr. WILLIAMSON have charge of the Navy and Mr. BYRNS have charge of the Army operations.

My friends, there is another vicious provision in this bill. It provides for the abolition of the Army and Navy transport service, notwithstanding the fact that the facts indicate that this service is a paying proposition as well as a very necessary arm of our national defense.

Mr. MARTIN of Oregon. Will the gentleman yield?

Mr. SCHAFER. In just a moment.

I have particularly made an investigation of this transport service because I well recollect that in July of 1917, when the outfit with which I served was transported across the sea in a privately owned ship, the *Orduna*, with the regular transportation charges paid for by the United States Government, that men were loaded down in the hold living on that trip under terrible conditions which were more reprehensible than the conditions on a ship in which reptiles are transported for some of the snake-charmer exhibitions and carnival shows. We were given food on that trip which, if I were to offer it to my dog after he had had nothing to eat for a week, would cause him to bite me. In the name of economy we are asked to subsidize again the private shipping industry to the tune of millions of dollars and to destroy this useful service, this arm of our national defense, which is just as essential as the ammunition we put in our guns in time of war. Then, in the name of economy, we are going to transport our red-blooded American citizens in the Army and naval service of our country to oriental lands, to Honolulu or to Manila and other places in the steerage of ships of private steamship companies and in cattle boats to eat rice and drink tea and live, mingle, and sleep with the orientals of Asiatic nations. This at an additional cost to the taxpayers' Treasury in order to satisfy the greedy private shipping interests, who will purchase the transports at about 20 per cent of their value; and if transactions between them and the Federal Government in the past are an example, most of this purchase price will be loaned without interest by the United States.

[Here the gavel fell.]

Mr. SCHAFER. Mr. Chairman, I ask for five minutes more.

Mrs. NORTON. I object.

Mr. SCHAFER. I make the point of order that there is no quorum present.

Mr. BLACK. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHAFER. Mr. Chairman, in this bill you direct the Secretary of War and the Secretary of the Navy to sell Government property including navy yards. This is no time to sell for a song Government property which is so necessary for our national defense. The Economy Committee might just as well recommend that we sell all the ships and equipment of the Army and Navy, reduce the appropriations for these departments to $1 a year, and if we engage in a future war, hire the Mexican Army and the Chinese Navy to fight the battles of our common country.

In the name of economy we are asked to reduce the Federal employees' salaries and the number of personnel employed by abolishing useful and necessary functions of the Government. If you and your family were on the bank of a raging river which threatened to overflow, would you save the lives of yourself and your family by blowing out a dam in a tributary stream and adding to the water in the river? I do not believe so.

So with reference to this raging river of unemployment, will you blow out the dam and add to the danger of the overflow?

If every State and local government and every business in the Nation and the Federal Government were to follow the policy of cutting of useful functions in order to cut the number of employees, then over half of the citizens of the Nation would be out of a job and unable to get one.

Now, consider this point from the taxpayers' standpoint. We now have over 8,000,000 in the Nation who are unemployed, a great majority of whom are supported by the taxpayers. I ask those who favor reduction of useful activities and resultant cut in personnel from the taxpayers' standpoint whether they favor a policy of relieving the taxpayers in the States, cities, counties, and towns from the burden of caring for the unemployed and their families, including little children. In the name of economy and in the name of the taxpayers, are they to suffer and starve like a wanderer lost on the desert?

Is it not far better from the taxpayers' standpoint to keep the people employed to render useful service to the taxpayers and the Government than to have the taxpayers paying for the care of themselves and families without performing services?

Oh, yes; this Economy Committee has recommended drastic cuts in the name of economy, and the poor old battered Treasury to-day must also be balanced at the expense of the war veterans and their dependents.

Several months ago when hundreds of millions were to be received by that Treasury from our foreign debtor nations which were saved by the service of those veterans, this very Congress, the Senate, and the President said that the Treasury did not need those hundreds of millions of dollars, but now the international bankers, Powder and Ammunition Trust, and war profiteers who drove the country into the war in the name of economy and in the name of the dear old Treasury ask that millions be cut from the benefits of the war veterans. I have in my office propaganda disseminated by the E. I. du Pont de Nemours & Co. (Inc.), of Wilmington, Del., to stockholders, employees, and friends urging them to write to Congressmen and Senators asking for reductions in the name of economy and in the name of the dear old Treasury.

Figures indicate that almost the entire amount of the deficit is the result of interest and sinking-fund payments and payments to the veterans, orphans, widows, and dependents of that war.

This Du Pont Powder Trust Co. was one of those who fanned the flame of war and made millions, if not billions, as a result thereof. They now in the name of economy and the Treasury ask to cut millions from the war veterans, who served for a dollar and a dollar and a quarter a day.

Mr. MARTIN of Oregon. Will the gentleman yield?

Mr. SCHAFER. I yield.

Mr. MARTIN of Oregon. The gentleman is a member of the Expenditures Committee?

Mr. SCHAFER. Yes.

Mr. MARTIN of Oregon. How long were those hearings the gentleman speaks of?

Mr. SCHAFER. We had hearings day after day, and the only witnesses who testified in favor of the bill were Admiral BYRNS and General WILLIAMSON, members of the Economy Committee, and they could not convince the members of the Expenditures Committee that the Army and Navy should be consolidated.

Mr. MARTIN of Oregon. What was the vote in that committee on that?

Mr. SCHAFER. I could not tell the gentleman exactly.

Mr. MARTIN of Oregon. Was it not about two to one?

Mr. SCHAFER. It was a good vote.

Mr. MARTIN of Oregon. Was there any evidence at all to justify the merger?

Mr. SCHAFER. There was no evidence presented to justify it. In fact, Mr. BYRNS and Mr. WILLIAMSON were the only witnesses in favor of it. This bill gives to one bureaucrat, the Secretary of National Defense, not only the power to eliminate and reduce and consolidate, but the power to create and expand agencies. It undertakes to give one Cabinet officer these vast powers, although Mr. BYRNS, the author of the bill, testified before the committee that he could save $200,000,000 by a consolidation. When I asked him the question as to where he could point out where 10 per cent of that amount could be saved, he admitted that he

could not. Certainly if two hundred million could be saved each year, the chairman of the Appropriations Committee and a member of the Economy Committee ought to be able to point out whereby 10 per cent of that amount could be saved.

In his testimony Mr. BYRNS indicated that the extravagance of the Army and Navy bureaucracy was responsible for a huge waste of the taxpayers' money, and he sought to cure the situation by adding more bureaucracy and let the new Cabinet officers and the Army and Navy bureaucracy create and expand bureaus without the sanction of the legislative authority, either already enacted or to be enacted in the future.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER. Under leave granted to extend my remarks, I quote from a letter from the Secretary of the Navy under date of April 25, 1932, in response to my inquiry regarding the discontinuation of the Navy Transport Service:

My own frank opinion is that the discontinuance of operation of the naval transportation service would not result in economy. If the naval transportation service were discontinued, it would be necessary to obtain more money for the commercial handling of the services now performed by these ships than their costs of maintenance and operation.

I am convinced that the abolition of the naval transportation service would reduce the effectiveness of the national defense. The reasons for my conviction in this matter are outlined in the following paragraphs.

The troop transports *Henderson* and *Chaumont* are needed by the Navy to meet minor peace-time emergencies, to train the marines in expeditionary work, and to develop facilities for transporting and landing expeditionary forces. The present plan of operation accomplished these purposes at a minimum cost to the Government by also utilizing these ships to transport Navy personnel and freight which would otherwise have to be transported by commercial carriers.

In order to meet minor peace-time emergencies it is necessary to maintain at least one transport in full commission in a port of the continental United States. If such a ship were maintained in one locality ready for an emergency, the Government would get no services from her comparable to the returns under the present system of operation. It would be highly expensive. Maintaining two transports enables the Navy to adjust the schedules so that one ship is in Asiatic waters while the other is in United States waters. In this way a ship is always available for a minor peace-time emergency.

The Navy operates the *Chaumont* and *Henderson* between the east and west coasts of the United States and the Asiatic station. They serve Guam, a very difficult port to obtain commercial facilities for. They also serve naval interests in Corinto, which port is inadequately served by commercial facilities, and they supplement the services to Port au Prince and Guantanamo.

The *Henderson* was built and equipped by the Navy as a marine transport. She has been kept up to date and serves as an experimental unit. Her equipment will serve as a basis for the equipment placed in ships commandeered in time of war for troop transports. The question of proper boats for landing forces is one that has been given much attention and is not yet solved to the satisfaction of the Navy. The *Henderson* has in the past performed and, if maintained in commission, will continue to perform the experimental and development work in connection with the transporting and landing of expeditionary forces. Recently the *Henderson* engaged in Joint Problem No. 4 with the United States Fleet in their attack on Oahu. She had embarked a regiment of marines. During this same period the *Chaumont* transported the Thirty-first Infantry to Shanghai. After the arrival of the *Chaumont* at Shanghai the commander in chief held her in that port for several weeks to provide a means of evacuating American nationals in case the necessity for such should arise. During this period there was imminent danger that the Japanese and Chinese, then engaged in a major battle, might overrun the International Settlement. Such services might, of course, have been provided by commercial ships, but only at a very high cost. In our table of costs we have not included any charge for demurrage. We included merely those costs of transportation of cargo and passengers from point to point. In the case of both the *Henderson* on expeditionary duty to Honolulu and the *Chaumont* on emergency duty at Shanghai, the demurrage and special equipment cost would undoubtedly have run into very large figures.

In 1927 the *Henderson*, loaded with marines, was held in the harbor of Shanghai for several months with the marines on board. The conditions at Shanghai at that time were such that it was inadvisable to land the marines, but their presence in the port was considered necessary. During the same period the *Chaumont* was engaged in duty in Nicaragua. Additional marines were needed in China and it became necessary to charter the steamship *President Grant*. The *Grant* transported the marines from San Francisco to Manila. In order to save demurrage charges they were landed immediately at Olongapo. Later they were taken to China in Navy transports.

If the Navy is forced to discontinue the operation of the *Chaumont* and *Henderson*, the Secretary of the Navy, in order to accomplish the purpose set forth above, must be given sufficient operational control over commercial ships of the United States to accomplish the same results. The navies of other maritime powers who do not operate naval transport services are given such control over their merchant marine facilities.

If the *Chaumont* and *Henderson* are decommissioned, it will be necessary to increase the appropriations for the transporting of personnel and cargo by at least the amount of the total earnings of these two vessels, as shown in the statement attached.

At the present time the *Chaumont* and *Henderson* have their schedules so adjusted that they will be available to transport to and from Nicaragua naval personnel required to supervise the Nicaragua national elections during the summer and fall of 1932.

The *Kittery* is a small cargo vessel which has been utilized to supply Guantanamo and the marines stationed in the West Indies. She is admirably suited for this purpose, as she is of shallow draft, able to get into small harbors. It is improbable that the need for the services which she is performing will decrease to a point much less than they are at present. On the contrary, changing political conditions in the West Indies may greatly increase the demands made upon her. In addition to supplying these marine forces, she is available for various odd jobs. During the past year the State Department has requested, on two different occasions, her services to repatriate Porto Ricans and Virgin Islanders who were destitute in Cuba. These destitute nationals of ours were the potential source of trouble, and some 300 were transported on each trip that the *Kittery* made from Santiago to San Juan and St. Thomas. Commercial facilities might afford the services now performed by the *Kittery*, but it is doubtful if there would be much saving in cost, and the flexibility of such service would be impaired.

The *Vega* and *Sirius* are two cargo vessels which operate between the east and west coasts of the United States. Their primary purpose is to transport turrets for 8-inch cruisers from the point of manufacture to the yard where the ships are building, and to transport 16-inch and 14-inch guns which have to be or have been relined from the Washington Navy Yard to the overhaul yard of the battleships. Incidently these ships transport other naval cargo.

The President has directed the detail of one ship to make an annual voyage from Seattle to Dutch Harbor and the Pribilof Islands. This voyage is for the purpose of transporting supplies, building material, and fuel to these outlying stations. A full cargo is generally supplied from the various Government departments which have interests there. All this cargo must be landed in small boats, and the ship designated for this voyage is especially equipped with boats suitable for such work. Commercial facilities could probably be obtained for this trip, but special equipment would be required by the ship making the trip for which the Government would undoubtedly pay. All the services performed by the *Vega* and *Sirius* could be performed by commercial shipping. The cost to the Government would probably not be less than it is at the present time and might be considerably more.

The exceptionally heavy weights, 8-inch turrets, one hundred and seventy-odd tons, and the heavy guns are hoisted in and out of the ships by navy-yard cranes especially built for this purpose. The *Vega* and *Sirius* themselves have been shored and especially strengthened to carry this weight safely.

The *Chaumont, Henderson, Kittery, Vega,* and *Sirius* provide services for outlying naval stations that are not adequately served by commercial lines. It has long been the policy of the Navy Department to foster by every proper means the development of our merchant marine. We have avoided competition with commercial shipping in so far as the efficient supply and development of the fleet and outlying stations permit. Whenever satisfactory service to our outlying stations can be provided, the Navy will curtail its activities to the extent that such commercial services permit. Specifically adequate commercial ocean transportation facilities are lacking in four respects:

(a) Service to Guam; (b) service to Guantanamo; (c) service to Corinto; and (d) United States coast-to-coast transportation of exceptionally heavy weights.

The Navy can not dispense with the services of these five vessels unless some other means are provided to carry out the tasks now performed by these ships, namely:

(1) Handling the transport of troops to meet minor peace-time emergencies.

(2) Adequate commercial service to the Island of Guam and to the ports of the West Indies not now adequately served by commercial lines.

(3) Additional appropriations to provide for commercial transportation of passengers, freight, and demurrage necessitated by the decommissioning of these ships.

To handle the transport of troops to meet minor peace-time emergencies the Navy should be accorded a degree of operational control over vessels of our merchant marine necessary to accomplish this. Such operational control should include the right to commandeer any United States ship to meet a minor peace-time emergency; it should also include the right to demand that selected steamship lines maintain at selected ports the equipment necessary to expeditiously equip vessels of their lines to perform transport duty.

Costs of operation and maintenance—Estimated earnings

Vessel	Costs of operation	Earnings	Net earnings	Net loss	Year
Chaumont	$694, 425. 66	$406, 217. 96		$288, 207. 70	1927
Do	663, 954. 01	411, 772. 24		252, 181. 77	1928
Do	753, 063. 96	533, 575. 79		219, 488. 17	1929
Do	778, 769. 36	1, 079, 853. 30	$301, 083. 94		1930
Do	761, 633. 71	1, 205, 775. 30	444, 141. 59		1931
Henderson	745, 729. 62	311, 640. 43		434, 089. 19	1927
Do	791, 904. 94	351, 147. 70		440, 757. 24	1928
Do	711, 644. 55	531, 088. 94		180, 555. 61	1929
Do	866, 568. 22	836, 561. 82		30, 006. 40	1930
Do	745, 613. 44	716, 705. 27		28, 908. 17	1931
Kittery	289, 998. 84	340, 579. 71	41, 580. 87		1927
Do	295, 678. 19	346, 515. 77	50, 837. 58		1928
Do	302, 706. 23	375, 582. 35	72, 876. 12		1929
Do	303, 578. 48	375, 066. 20	71, 487. 72		1930
Do	287, 817. 84	272, 021. 17		15, 796. 67	1931
Sirius	279, 921. 50	365, 694. 26	85, 772. 76		1927
Do	286, 185. 10	339, 684. 98	53, 499. 88		1928
Do	324, 411. 79	441, 006. 83	116, 595. 04		1929
Do	308, 159. 45	413, 880. 71	105, 721. 26		1930
Do	286, 542. 74	283, 644. 54		2, 898. 20	1931
Vega	305, 702. 69	389, 387. 48	83, 684. 79		1927
Do	285, 483. 18	436, 215. 07	150, 731. 89		1928
Do	262, 711. 19	404, 506. 56	141, 795. 37		1929
Do	277, 106. 02	343, 161. 74	66, 055. 72		1930
Do	309, 281. 81	318, 555. 48	9, 273. 67		1931

NOTE.—In this statement of cost of operation and earnings no demurrage charge is included. During the present year the U. S. S. Chaumont was held at Shanghai and the Henderson was engaged in expeditionary duty with the fleet in Hawaii. In both cases the demurrage charge would represent a very large figure.

I now quote from a letter from the Secretary of War under date of April 21, 1932, in response to my inquiry regarding the discontinuation of the Army Transport Service:

Replying to your inquiry regarding the abolition of the Army Transport Service, your questions are answered categorically as follows:

The total operating cost of the Army Transport Service for the past five fiscal years amounted to $19,812,493, while the cost to have handled the same personnel and freight commercially would have been $34,550,101.02.

For your information there is attached a statement showing the cost of the Army Transport Service as compared with the commercial cost over a period of 25 years, marked "Exhibit A," and a detailed statement showing the cost of operation of the Transport Service for the fiscal year 1931 as compared with the cost of handling the same business commercially, marked "Exhibit B."

In no case has the War Department appropriation for the Army Transport Service been reimbursed from appropriations available for the Senate and House of Representatives.

The quotations received by the Army for the shipment of animals via commercial lines invariably provide that the Army construct stalls for the animals. The cost of stalls is approximately $40 for each animal shipped, and the stalls must be removed when the animal is delivered at destination.

Animals can be shipped at much less cost on Army transports, as the same set of stalls can be used year after year. For instance, stalls constructed on the transport *Meigs* in 1922 are still in use, and the average cost per animal shipped in those stalls is now approximately $3.

In my opinion the discontinuance of the Army Transport Service would be done decidedly at the expense of reducing the efficiency of national defense, and would not result in economy, but would increase the cost of transportation of personnel, animals, and supplies for the Army stationed outside of the United States.

While the War Department fully recognizes the necessity for the development of an American merchant marine, it at the same time recognizes the danger that lies in giving serious consideration to legislation of the character proposed, as by so doing it would be permitting the presumed necessities of the moment to mislead others into errors of judgment involving the national defense. A merchant marine for this country must not be developed at the expense of the efficiency of the Military Establishment.

That a transfer of the activities of the Army Transport Service to commercial interests will benefit those interests is admitted, but the difference between the cost involved in Army transport operation and the commercial costs constitutes nothing short of a subsidy. If it is the view of Congress that a ship subsidy is the proper remedy for the relief of those commercial lines so anxious to eliminate the transports from the equation at this time, it would be far better in the interest of the Military Establishment that the savings, or such portion thereof as may be considered necessary, made in the Army transport operation be appropriated direct for relief purposes of these lines. Under the present ratings the savings shown in favor of the Army Transport Service represent the profit that would accrue to commercial interests by taking over this work.

The Army Transport Service is an integral part of the Military Establishment and must, therefore, be maintained and continued the same as any other essential activity or branch thereof. Any other conception of this, or any other essentially military activity, strikes at the very root of the efficiency of the Military Establishment of this country and the purpose for which it exists.

The War Department is not without experience in the transportation of troops and supplies by commercial carriers and is fully advised as to the facilities afforded in the past and that can be afforded it now—both in peace and war. It is because of the inadequate facilities for the accommodation of troops in time of peace and the limited space for Government cargo which can be offered by commercial carriers under normal conditions that those charged with responsibility for Army overseas transportation have long since been convinced that, as long as overseas garrisons are maintained, the Army Transport Service must be continued. The operation of this service is based upon a program covering the change of stations of officers and of enlisted personnel, so far as can be anticipated, coupled with any emergency movement of troops that may arise. The necessity for the maintenance of a flexible military service of this character would seem to require no emphasis at this time.

It would seem to be unnecessary to dwell upon the fact that the maintenance of this essential military activity has enabled the War Department to meet emergencies in Porto Rico, Cuba, Mexico, Central America, China, and Japan; that it constitutes an invaluable means of training for war; and that, with one-third of our Regular Army now stationed outside the continental limits of the United States, the maintenance of a military controlled and operated sea transportation is an element essential to the effective and efficient control of the Military Establishment in peace and a necessity as a nucleus for expansion in war.

Congress has always evidenced interest in the maintenance of the Army Transport Service and has expressed itself at least twice by legislation favoring its continued operation. I refer you to the act of March 2, 1903 (32 Stat. 939), and the act of March 2, 1905 (33 Stat. 837), wherein Congress prohibits the sale or disposition of any vessel of the Army Transport Service without its consent.

Another point in connection with this activity which I wish to bring to your attention is that commercial carriers can not furnish satisfactory accommodations for the enlisted personnel. This service requires an extensive ventilating system below decks, ample bathing and lavatory facilities, food of the standard of the Army ration, and hospital facilities sufficient not only to care for those en route but also to evacuate sick and wounded from overseas stations. No commercial steamer operated solely for profit can provide such facilities.

Furthermore, if transported on commercial vessels the Government would be compelled in the Atlantic and Pacific service to provide steerage accommodations for its soldiers, and, as is well known, the third class or steerage passengers carried by commercial liners in the trans-Pacific service consist only of the lower class of Asiatics. The Government can not afford the expense of transporting enlisted men of the troop class in other than troop or third class quarters, and this class of quarters correspond to the ordinary steerage on all commercial lines. In the event of the transportation on a commercial liner of a limited number of enlisted men of the troop class, the War Department would find itself in the position of mixing American soldiers among Asiatics in order to obtain accommodations at a reasonable rate going to and returning from garrisons in the Hawaiian Islands, the Philippine Islands, and China. The American people would not tolerate a situation in which enlisted men of the Army would be subjected to such treatment, and the War Department can not too strongly emphasize its position against such practice. Commercial ships are not adapted to the transportation of Army troops or cargo.

Extensive hearings were held before the Subcommittee of the Military Affairs Committee, House of Representatives, in charge of the War Department appropriation bill for the fiscal year 1933, in connection with the operation of the Army Transport Service, in which the necessity therefor and the cost of operation were fully brought out. The printed record of these hearings before the subcommittee are not available to the War Department, but it is suggested that they be obtained by you for your information in connection with the consideration of this subject.

It is desired to take this opportunity to emphasize the following facts which have been in the past and can now be established, showing definitely the necessity for the retention of the Army transport service as an agency of the War Department for the transportation of troops and supplies:

The Army transport service is an integral part of the Military Establishment and, therefore, should be maintained under Army control, the same as any other essential branch of the Military Establishment.

The transport service contributes vitally to the morale, economy, and efficiency of the Military Establishment. Its discontinuance would strike a serious blow at the morale of the Army, which could not hope to have otherwise the transportation facilities it now enjoys under our present well-tried system. Commercial lines are not equipped to transfer the Army sick and insane from outlying stations to the United States.

The cost of transportation by the Army transport service is far more economical than if the same work were performed by commercial lines. The discontinuance of the Army transport service would involve an increase in the appropriation for Army transportation of between $2,000,000 and $3,000,000 annually.

The War Department is not in any way opposed to the protection and upbuilding of a powerful merchant marine; however, it does object to charging any part of such cost direct or indirect to the War Department appropriations.

The Army transport service is not a competitor of commercial lines in ordinary commercial traffic, as it confines its activities

solely to transportation concerning the Military Establishment and Government officials. Each year a considerable sum is saved to the Government through the transportation on Government business of Members of Congress, officials of the insular possessions, Navy, and Marine Corps, and of the Departments of Agriculture, Commerce, Justice, etc.

The Army transports are run in close cooperation with the Navy and other Government departments, thereby effecting a substantial saving in the transportation costs of those departments.

During periods of depression in the past, commercial shipping interests have endeavored to secure the discontinuance of the Army transport service. In normal times it is generally admitted that commercially owned and operated vessels can not meet the special requirements for commercial transportation and at the same time provide adequate facilities to serve the Military Establishment.

A small fleet of Army transports especially equipped for military transportation is necessary to meet military emergencies in peace and as a nucleus for expansion in case of war.

The Military Establishment should not be dependent upon any agency not subject to complete control of the Secretary of War.

From the above I feel I need not emphasize the fact that the War Department vigorously opposes any steps that may be contemplated which will lead to the abolishment of the Army transport service and will result in an increased appropriation for this purpose, as indicated above. Such action would be not only uneconomic but subservient to the morale of the enlisted man, unwise from the viewpoint of national defense, and otherwise contrary to the public interests. The War Department is also opposed to any action looking to the impairment of this valuable and essential element of the Military Establishment.

Comparison of Army transport costs and commercial costs—Statement showing operating cost of Army transports as compared with the value of the work performed at lowest commercial rates

Fiscal year	Expense of transports	Lowest commercial rates
1903	$1,752,560.46	$4,000,999.90
1904	3,074,024.08	3,472,260.58
1905	1,580,154.12	3,092,691.70
1906	2,221,719.19	3,276,861.12
1907	2,639,570.99	2,079,720.90
1908	2,819,141.69	3,692,328.41
1909	2,499,467.56	2,840,365.87
1910	1,872,396.36	2,779,396.36
1911	1,750,637.44	2,720,304.97
1912	1,596,842.57	3,011,522.61
1913	1,728,038.51	1,978,747.37
1914	2,083,383.67	2,385,414.44
1915	2,155,241.22	3,404,657.27
1916	2,079,796.64	3,678,303.17
1921	3,801,978.00	4,528,491.00
1922	4,089,086.38	11,293,782.71
1923	3,281,279.30	7,098,148.62
1924	3,320,417.00	6,283,945.68
1925	3,581,241.92	7,011,954.85
1926	3,194,316.30	6,275,860.79
1927	3,742,087.46	6,086,638.45
1928	4,144,173.74	6,753,610.46
1929	4,121,461.63	6,832,733.77
1930	3,966,186.59	7,473,321.18
1931	3,838,583.58	7,403,797.16
Total	70,933,786.40	119,455,859.34

Original cost of transports purchased by the War Department, $7,760,694.

It will be noted that there were no records of comparison kept during the period of Spanish-American War and Philippine campaigns until fiscal year 1903 and during World War period 1917 to 1920, inclusive.

Original cost of transports	$7,760,694.00
Operation during 25 years	70,933,796.40
Total cost to Government appropriations	78,694,480.40
Total cost shipping same on commercial vessels	119,455,859.34
Savings to Government appropriations	40,761,378.94

Actual expenditures account Army transport service, fiscal year 1931

Purpose	Appropriation chargeable			
	Army transportation	Subsistence	Clothing and equipment	Pay
1. Maintenance of equipment, repairs to transports	$741,486.51			
2. Maintenance of terminals:				
Maintenance and repairs of property	11,646.63			
Cleaning and repairs to piers	11,299.15			
4. Operation of vessels:				
Fuel	529,374.89			
Water	7,976.93			
Lubricating oil	8,128.00			
Quartermaster supplies	236,569.78			
Subsistence		$545,946.05		
Laundry	5,947.76		$50,903.88	
Pilotage	30,475.10			

Actual expenditures account Army transport service, fiscal year 1931—Continued

Purpose	Appropriation chargeable			
	Army transportation	Subsistence	Clothing and equipment	Pay
4. Operation of vessels—Con.				
Wharfage	$12,826.90			
Cleaning and painting	7,708.43			
Miscellaneous	23,903.28			
Salaries—				
Officers				$79,851.05
Enlisted men				40,163.39
Ship's officers and crews	800,066.04			
5. Operation of terminals:				
Stevedoring	251,563.74			
Civil employees	236,460.77			
Wharfage	377.50			
Supplies	8,574.30			
Heat, light, water, and telephone	5,003.01			
Harbor craft	12,272.77			
Salaries—				
Officers				48,099.94
Enlisted men				3,517.14
7. General expense, miscellaneous	403.92			
8. Charter expenses, towage	9,684.38			
Total expenditures, 1931	3,008,087.75	$545,946.05	$50,903.88	171,631.52
Collected from passengers		140,174.55		
Actual cost to each appropriation	3,008,087.75	405,771.50	50,903.88	171,631.52
Total cost to Government for operating Army transports, 1931				3,636,395.65

Work performed by Army Transport Service, fiscal year 1931

Passengers transported under orders	45,673
Passengers transported not under orders	4,749
Cubic tons cargo carried	218,662
Pounds mail transported	590,372
Number of remains transported	185
Number of animals transported	883

The cost of the Army Transport Service as stated above includes certain expenses that would not be eliminated if the transportation of personnel and supplies were handled by commercial ships, namely:

Salaries of officers and enlisted men	$171,631.52
Shore establishments maintained at Porto Rico, Panama, Honolulu, Chinwangtao, Nagasaki, and Manila	77,969.73
Stevedoring at Porto Rico, Panama, Honolulu, Chinwangtao, and Manila	96,807.10

Therefore, these items, totaling $346,408.35, should be deducted from the cost of operating the Army Transport Service or added to the cost of shipping commercially in order to arrive at a cost which may be compared with the commercial cost of handling the same number of personnel and supplies by commercial ships for the same period.

The Army Transport movements for 1931 would have cost commercially, according to statement shipping interests to the committee:

45,673 passengers	$3,846,096.39	
218,662 tons freight	2,045,806.00	
		$5,891,902.39
Adding continuing expenses at outports included in Army Transport Service expense		346,408.35
Making total cost to appropriation Army transportation for commercial shipment		6,238,310.74

To compare the commercial cost as above with the cost of Army Transport Service, the committee desires added interest and depreciation:

Cost Army Transport Service, 1931	$3,636,395.65
Depreciation	468,264.24
Interest	561,917.09
Cost Army Transport Service plus estimated interest and depreciation	4,666,576.93
Cost commercially	6,238,310.74

Mrs. NORTON. Mr. Chairman, I move that all debate on this section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. GILBERT. Mr. Chairman, I move to amend the amendment of the gentleman from Wisconsin by striking out the words "three-fourths" and insert in lieu thereof "one-half."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILBERT to the amendment offered by Mr. STAFFORD: Strike out the words "three-fourths" and insert in lieu thereof the words "one-half."

Mr. GILBERT. Mr. Chairman, I feel that this bill transfers from the street-car companies to the taxpayers of the District two substantial burdens. One of them is traffic policemen. As a matter of governmental uniformity that ought to be done, regardless of price. A traffic policeman is a public servant and should represent the public, not a private corporation. If an accident should happen at a crossing and the officer is paid by the street-car company, the street-car company would seldom be to blame, but the item transferring from the street-car companies to the public this paving cost I think grants too much. In recognition of what the gentleman from Connecticut has said it is not right, as did the old charters, to provide for the entire cost, which exists in many cities, but the street-car companies do have a greater right to the streets in their tracks than the general public. I differ with my friend in that. They have almost exclusive right except in case of heavy traffic to these streets. The vehicular traffic remains on each side. I think a fair proportion of this cost would be one-half to the street-car company and one-half to the public.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

The amendment as amended was agreed to.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 23, after line 21, add a new section as follows:

"SEC. 4. The new company shall not charge adults more than 5 cents as is required by the charters of the present companies."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BLACK. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill.

The CHAIRMAN. The point of order is overruled. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk read as follows:

SEC. 5. No competitive transportation line shall be established without the prior issuance of a certificate by the Public Utilities Commission of the District of Columbia to the effect that the competitive line is necessary for the convenience of the public.

With the following committee amendment:

Line 22, page 23, strike out the figure "5" and insert the figure "4" and insert in lieu of the word "transportation" the words "street railway or bus."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. GLOVER. Mr. Chairman, I move to strike out the last word. One can generally tell that there is some viciousness in the bill by the manner in which it is handled. Here is a bill that ought not to pass the Congress. We have had the statement on the floor to-day that this has been under consideration for 30 years. Well, if this has been a bad bill for 30 years, it is a mighty bad bill now. People ought not to come in here with these tactics and cut off debate in order to pass a bill. A minute ago there was a proposition in the bill to make the taxpayers of this city pay three-fourths of the paving on the inside of the tracks, and for 2 feet on the outside, when this gigantic corporation that owns that privilege, worth multiplied millions of dollars, ought to be helping to run this Government. That is not all the viciousness in the bill. The worst part of the bill is not the consolidation of the two street-railway systems. That is not all the viciousness in the bill. The trouble with this bill is that you seek to make a monopoly out of the bus lines in this city, a thing that ought not to be done with any corporation or individual.

Competition is the life of trade, and competition is protection to the public. This bill takes that away from anybody else in this city unless he can convince the commission that it is a necessity for somebody to come here and enter into competition.

Mr. Chairman, this bill ought to be defeated. I would not vote a while ago with the gentleman from Texas, to strike out the enacting clause, because I wanted you to have a chance to have the bill considered, but this is a bill that ought not to pass this House. We have had correct judgment for 30 years and have refused to pass it. We have kept out of this for that time and let us continue to do so.

Mrs. NORTON. Will the gentleman yield?

Mr. GLOVER. Not now. The lady would not yield to me a moment ago, and I have only five minutes of time.

Mr. McLEOD. Will the gentleman yield?

Mr. GLOVER. Not now. This bill carries enough poison in it that they want to put it over in the manner sought this afternoon by moving the previous question. Where is the man who would dare say it is right for the citizenship of this city to help bear the expense of keeping up this railroad track? Not only the keeping up of its tracks and 2 feet on each side of it, but they are violating their franchise and they have doubled the charge for carrying passengers from 5 to 10 cents. The statement was given by the gentleman from Texas a moment ago how this stock has climbed from a small sum to nearly $500 per share. That shows what it is worth. They are not satisfied with the greed they have enjoyed, they are not satisfied with the leechhold that they have now, but they want more and they want to cut out further competition in this city, forever to the detriment of the public.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

The pro forma amendment was withdrawn.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: On page 24, line 2, after the word "public," insert the following: "The transportation of passengers by street railway and bus for the purposes of this resolution shall be construed to mean bus or railway transportation over a given route on a fixed schedule, taking and discharging passengers between terminals."

Mr. LAGUARDIA. Mr. Chairman, complaint has been made that this bill would eliminate a business that has been established in the District, known as the sight-seeing bus business. I am informed that there is quite an investment of capital in this well-established business. It would seem that if this generous franchise were given to these companies under the merger, it would hardly be fair to give them an absolute monopoly over all transportation business. The sight-seeing bus business, after all, is not generally within the contemplation of the franchise for street railways.

Mr. BLACK. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BLACK. The gentleman is anxious that the companies that are now operating their busses from point to point will not be driven out of business?

Mr. LAGUARDIA. Exactly.

Mr. BLACK. But the gentleman's amendment provides "for the purpose of this resolution." The gentleman means "for the purpose of this section," does he not, so that they will not have to apply for a certificate?

Mr. LAGUARDIA. Well, the amendment would not require the busses engaged in the sight-seeing business to obtain a certificate of necessity and convenience and would not give the merger a monopoly in the sight-seeing business.

Mr. STAFFORD. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STAFFORD. As I read the gentleman's proposed amendment it would compel the existing companies to maintain bus service as now existing?

Mr. LAGUARDIA. It means simply this, if I may explain. The resolution includes bus lines, and this would describe what is meant by a "bus line." It would mean a bus running over a regular route, and would not embrace the sight-seeing busses. In other words, I am trying to prevent giving this company a monopoly on all transportation in the city.

Mr. STAFFORD. Is the gentleman aware of the fact that the sight-seeing busses make exorbitant profits now from the people who come to this city?

Mr. LAGUARDIA. Well, if that is so, that should be regulated.

Mr. STAFFORD. Why should not the street-car companies be given that privilege? If the rates which are charged are reasonable, then wherein should we criticize? We are past the period of competition with public utilities. That is water that has gone over the dam.

Mr. LAGUARDIA. In reply to the gentleman from Wisconsin I would say that after all the resolution would create a monopoly on street transportation in this new company. Very well. That being so, I do not think it is fair to embrace everything that runs on wheels, and the sight-seeing bus business, being an established business in this city, it would seem to me that something ought to be left for some one else beside this company.

Mr. BOWMAN. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. BOWMAN. Who has an established sight-seeing bus business? There is not a company outside of the street-car companies that has as many busses as the street-car companies. The street-car company twice daily, between 8 and 9 o'clock in the morning and between 4.30 and 5.30 in the afternoon, must put all of its busses into operation for the transportation of passengers.

Mr. LAGUARDIA. The gentleman has said that all the busses are owned by this company. I am informed that at present there are eight sight-seeing bus companies operating in the city of Washington, organized for that purpose exclusively. They have a combined invested capital of between $750,000 and $1,000,000, represented primarily by busses.

Mr. BOWMAN. Will the gentleman yield further?

Mr. LAGUARDIA. Certainly.

Mr. BOWMAN. The organized bus companies that are operating in the District of Columbia are not able to take care of the people who come here for the purpose of sight-seeing—making trips to Mount Vernon, and so forth. When an educational association or some other large association comes here there is only one place where they can go to get a contract for the transportation of those people, as a mass or in a body, and that is to the traction companies, because they have a number of busses there that are lying idle.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. TILSON. Before the gentleman begins his statement will he tell us whether this bill has anything to do with sight-seeing busses and whether the bill does not leave the matter entirely as it is now?

Mr. BLACK. The bill leaves the matter entirely as it is now. The gentleman's amendment would prevent these companies from running what they call chartered busses.

Mr. LAGUARDIA. The gentleman is correct. My amendment would prevent this merged corporation from operating sight-seeing busses. They could only operate on fixed routes.

Mr. BLACK. This merger is not going through, and will not be acceptable to the company and will not be of any benefit to the people of Washington if the companies are going to be cut off from necessary revenue. That is sure. Some of these amendments are liable to defeat the entire purpose of this merger, although very well meant.

Here is the situation: One of these companies owns busses. It uses these busses mainly for transportation from point to point, fixed points. Very often an organization coming to Washington agrees to charter one of these busses or several of these busses for use over a different route and for sight-seeing purposes. They enter into a contract with these organizations for that purpose.

It would be false economy to say to this merged company, "For a certain portion of the day these busses of yours must stay in a garage; they must not run in order to make some of the necessary overhead and they must not contribute to the success of the merger, but they must stay stagnant in a garage for a portion of the day when they might be used for revenue."

We tried to meet the situation as we saw it, in the interest of the companies and in the interest of the entire people of Washington.

This amendment, although offered by the gentleman from New York for a purpose which he believes is all right, is a destructive amendment to this merger, because it will cut off revenue that belongs to the company that owns these busses. It would cut off revenue that would come to the merged company. It would cut off revenue which would permit the merged company to offer better service and cheaper service generally to the people of Washington.

I believe the committee should be opposed to the amendment offered by the gentleman from New York.

Mr. PALMISANO. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. PALMISANO. As I understand it, at the present time they have that right?

Mr. BLACK. They certainly have.

Mr. McLEOD. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. McLEOD. Is it not a fact that under the amendment offered by the gentleman from New York the bus companies or sightseeing companies would be prevented in the future from leasing busses for their own sightseeing work?

Mr. LAGUARDIA. Oh, no.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, it is my understanding that the street-car companies of the District do not now have any legal right to operate busses. This privilege has been granted them by the Public Utilities Commission, but it is very doubtful legally, I have been informed, whether the Public Utilities Commission have the right to grant these companies the right to operate busses. So the status of the street-car companies under this bill, if passed, will be enlarged, and one of these enlarged privileges will be that of operating busses.

It has never been contemplated that the Public Utilities Commission could grant them any greater privilege than the privilege of operating busses as feeders to the street-car systems. This bill goes further than that and permits the street-car companies to go into the general operation of busses for sight-seeing purposes.

There are in the District now eight companies, with an invested capital of about $1,000,000, that are operating busses for sight-seeing purposes. The busses operated cost from $15,000 to $25,000 apiece, and they are as beautiful busses as you can find anywhere. There has never been any complaint as to either their charges or the beauty of the busses operated.

What will be the effect of the passage of this bill with this enlarged privilege? Let me submit to you the situation as it will exist. The peak of the traffic is early in the morning between 8 and 9.30 o'clock, and in the afternoon between 4 and 5.30 o'clock. These are the hours that sight-seeing busses leave the city and return to the city, with the result that if we force away from the independent sight-seeing companies the right to operate busses—and that will be the effect whether it is intended or not—it will put the street-car companies in sole control of the operation of sight-seeing busses.

This will have one of two effects. First, inadequate sight-seeing bus facilities for the District of Columbia, because the street-car companies will change schedules to fix their convenience rather than the traveling public, and inferior equipment, because of the monopoly, or, second, a large

amount of useless equipment will be required, which would mean overequipment during the offseason part of the year.

It seems to me the best thing this House can do is to confine the activities of street-car companies to the operation of street-car facilities and let the sight-seeing-bus business be operated by the efficient independent companies that are doing it now and doing it well.

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 15, noes 26.

So the amendment was rejected.

The Clerk read as follows:

SEC. 6. That the Capital Traction Co. is hereby authorized and empowered, upon the consummation of the aforesaid unification agreement, to dissolve and to liquidate its assets and make distribution among its stockholders in accordance with said agreement: *Provided*, That the existing liabilities of the said the Capital Traction Co. and the rights of its creditors shall not be affected thereby, and that such creditors shall have, as to the said Capital Transit Co., upon the transfer of property to it as provided in said agreement, all rights and remedies which they may then have as to the Capital Traction Co.: *Provided further*, That no action or proceedings to which the Capital Traction Co. is a party shall abate in consequence thereof, but the same may be continued in the name of the party by or against which the same was begun, unless the court in which said action or proceedings are pending shall order the Capital Transit Co. to be substituted in its place and stead: *And provided further*, That the fact of such dissolution in accordance with this provision shall be published once a week for two successive weeks thereafter in at least two daily newspapers of general circulation published in the city of Washington, D. C.

With the following committee amendment:

Page 24, line 3, strike out the figure "6" and insert the figure "5."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 7. That the Washington Railway & Electric Co. is hereby authorized and empowered to retain and hold stocks and bonds as provided in said unification agreement, and to issue from time to time stocks, bonds, and/or other evidences of indebtedness, subject to the approval of the Public Utilities Commission of the District of Columbia.

With the following committee amendment:

Page 25, line 1, strike out the figure "7" and insert in lieu thereof the figure "6."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 8. That in accordance with said unification agreement, the Capital Transit Co. to be created as aforesaid is hereby authorized and empowered to purchase all or any part of the outstanding capital stock of the Washington Rapid Transit Co.; and said company shall be merged or consolidated with the said Capital Transit Co. when and if the Public Utilities Commission shall so require.

With the following committee amendment:

Page 25, line 8, strike out the figure "8" and insert the figure "7."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 9. That nothing contained in this resolution shall be taken as extending or limiting the powers and duties of the Public Utilities Commission except as provided in this resolution and by said unification agreement, and all powers granted by this resolution to the Capital Transit Co. shall be exercised subject to the supervision of and regulation by the Public Utilities Commission as provided by law.

With the following committee amendment:

Page 25, line 16, strike out the figure "9" and insert the figure "8."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 10. The unification herein provided for shall become effective when but not until agreed upon by vote of more than a majority in amount of the stock of the respective companies and notices to that effect have been filed with the Public Utilities Commission of the District of Columbia within two years from and after the passage of this joint resolution.

With the following committee amendment:

Page 25, line 23, strike out the figure "10" and insert the figure "9."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 11. Any and all charges to the new company made by any corporation or person holding a majority of the capital stock thereof for any services shall be proved to be fair and reasonable, and only such part of said charges as the Public Utilities Commission, subject to the right of appeal to the courts, may decide to be fair and reasonable shall be considered in the determination of rates.

With the following committee amendment:

Page 26, line 6, strike out the figure "11" and insert the figure "10."

Mr. STAFFORD. Mr. Chairman, I ask for recognition in opposition to the committee amendment.

I wish to inquire of the gentleman who reported the bill the purpose of making this regulatory provision which says that any and all charges made by any corporation holding a majority of the capital stock thereof for any services shall be proved to be fair and reasonable. What is intended to be accomplished by the phraseology of this section?

Mr. BLACK. That is for the purpose of not requiring the new company, before it incurs any charges, while it is in a state of suspense pending final fruition of the merger, to go to the utilities commission and first get permission to spend money for this service or that service. If the commission deems that the charges are reasonable and fair and in the interest of the merger, then they are properly chargeable; if not, they are not.

Mr. STAFFORD. Does this refer to the charges that may be made by the Potomac Power Co. to either of these utility companies that are about to be merged?

Mr. BLACK. No; it has nothing to do with that.

Mr. STAFFORD. To whom does it refer?

Mr. BLACK. It refers to any charges that have to be incurred by the new company when they are preparing their program to bring about the complete merger.

Mr. STAFFORD. The language is "for any services" that may be rendered.

Mr. BLACK. That would include legal services, for instance, or engineering expenses.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 12. It is understood and agreed that nothing herein shall be construed as creating any new rights of franchise to use the streets in the District of Columbia for transportation purposes: *Provided*, That the new company shall exercise and succeed to all of the property, rights, and franchises of the Capital and the Washington Companies, which they are required herein to vest in the new company, subject, however, to the right of the Public Utilities Commission to order reasonable extension of or abandonment of tracks and facilities.

With the following committee amendment:

Page 26, line 13, strike out the figures "12" and insert "11."

The amendment was agreed to.

The Clerk read as follows:

SEC. 13. The Washington Railway & Electric Co., if the unification herein provided for shall become effective, shall remain subject to the jurisdiction of the Public Utilities Commission. Any sinking fund held by it shall remain available for the discharge of securities for which it remains liable and which are secured directly or indirectly by any lien on property turned over to the Capital Transit Co.

With the following committee amendment:

On page 26, line 23, strike out "13" and insert "12."

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That Congress reserves the power to alter, amend, or repeal this resolution.

With the following committee amendment:

Strike out the figure "14" and insert "13."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, the preamble has not been read.

Mr. BLANTON. I object to going back to the preamble.

Mr. STAFFORD. No objection can be raised to that. We have been considering it in the proper form, considering the body first and then the preamble is read to confirm the body of the bill.

Mr. BLANTON. I object to reading the preamble.

The CHAIRMAN. The Chair overrules the gentleman's objection.

Mr. LAGUARDIA. Is it suggested that the preamble has any legislative force at all?

Mr. STAFFORD. The bill is predicated on the preamble. The bill fails of its purpose unless the preamble is incorporated.

Mr. BLACK. The preamble sets forth the matter on which the resolution is contingent. These matters could be set forth in any kind of a public record, but they are put in the bill for the convenience of the House; they have no legislative value except a reference value.

The CHAIRMAN. The Clerk will read the preamble.

The Clerk began reading the preamble.

Mr. BLANTON. Mr. Chairman, it is a quarter past 5, and I suggest that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] Eighty-five Members present—not a quorum.

Mrs. NORTON. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were 53 ayes and 7 noes.

So the committee determined to rise.

The committee rose; and the Speaker having resumed the chair, Mr. THOMASON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 154 and had come to no resolution thereon.

RATIFYING AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

The SPEAKER laid before the House the following communication:

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
EXECUTIVE CHAMBER,
Providence.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: In accordance with the request of the General Assembly of Rhode Island, I am inclosing herewith a certified copy of a resolution passed at its recent session.

Respectfully,

NORMAN S. CASE, *Governor.*

PROVIDENCE, R. I., *April 23, 1932.*

STATE OF RHODE ISLAND,
IN GENERAL ASSEMBLY,
January Session, A. D. 1932.

Resolution relative to the proposed amendment to the Constitution of the United States fixing the commencement of the term for President and Vice President and Members of Congress and fixing the time of the assembly of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. PARSONS, for three days, on account of attending a funeral.

To Mr. DOWELL, on account of the death of his pastor, Dr. Charles S. Medbury, of Des Moines, Iowa.

To Mr. CHAVEZ, for to-day, on account of illness.

To Mr. THATCHER, for four days, on account of important business.

ECONOMIES IN GOVERNMENT

Mr. McDUFFIE. Mr. Speaker, by direction of the Committee on Economy, I present to the House the following report from that committee, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Alabama presents a report, which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 11597; Rept. No. 1126) to effect economies in the National Government.

Mr. LAGUARDIA. Mr. Speaker, I reserve all points of order.

The SPEAKER. The bill is referred to the Union Calendar and ordered printed.

Mr. McDUFFIE. Mr. Speaker, I ask unanimous consent that the committee have until midnight to-morrow to file a report to accompany the bill.

The SPEAKER. Is there objection?

Mr. SCHAFER. Is that on the economy legislation?

Mr. McDUFFIE. Yes.

Mr. SCHAFER. And the House is going to have available the report when? We have had no printed hearings, and the report on this far-reaching bill is to be filed at midnight of the day before we are asked to consider it, under the gag rule. I object.

Mr. McDUFFIE. Mr. Speaker, the report is almost ready. It was not ready to be introduced with the bill to-day; and instead of asking unanimous consent to have until midnight to file the bill and the report, we have reported the bill and asked that we have until midnight to-morrow for the report. I shall ask that we have until noon to-morrow, if that suits the gentleman.

Mr. BLANTON. That has been the practice always. The committee has always been given the right to file a report later.

Mr. SCHAFER. And we will have only a half day in which to study the consolidation of the Army and the Navy and many other important provisions of the bill. Is that the liberal consideration that the gentleman from Texas talked about the other day?

Mr. BLANTON. That has been the practice all of the time.

The SPEAKER. Let the Chair state to the gentleman from Wisconsin and to the Members of the House that the bill will not be printed unless there is some kind of a report accompanying it. Unless this request is granted, or a similar request, the bill will not be available to-morrow. Is there objection to the request of the gentleman from Alabama?

Mr. SCHAFER. I object.

Mr. McDUFFIE. Will the gentleman withhold his objection for a moment?

Mr. SCHAFER. I withhold it, but I want to have a little time in which to study the bill and report.

Mr. McDUFFIE. We want to have the bill available to Members to-morrow, and we would like to have the privilege of filing the report at least by 5 o'clock to-morrow afternoon.

Mr. LAGUARDIA. When would the report be available to us?

Mr. McDUFFIE. The printed report would be available the next morning.

Mr. LAGUARDIA. That would give us only a half a day to consider it.

Mr. McDUFFIE. Certainly; but after reading the bill I am sure the gentleman would not want a great deal of the report.

Mr. LAGUARDIA. I shall be frank with the gentleman and state that already my mind is made up on the subject.

Mr. SCHAFER. Will we have liberal debate on this bill?

Mr. McDUFFIE. I think so.

The SPEAKER. Let the Chair state that on Wednesday morning there will be a rule for the consideration of the tariff bill. The Chair understands that that will take probably an hour. He has been informed that there will be an hour's debate upon the rule for the consideration of the proposed amendment to the legislative appropriation bill. That rule provides for two hours' debate. If there is a roll call on it, it will probably take the entire day before we can begin to vote on the question of the amendment.

Mr. SCHAFER. Mr. Speaker, I do not approve of this procedure where we have such radical legislation of great magnitude considered under perhaps a gag rule, without

even having printed hearings available and without even having the complete report until the morning of the day the bill will be considered in the House. Since the gentleman indicates that the report is not going to contain very much information, I shall have to allow the gentleman and his so-called Economy Committee to take the responsibility. I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD, from the Committee on Rules, reported the following resolution, which was referred to the House Calendar and ordered to be printed:

House Resolution 203 (Rept. No. 1127)

Resolved, That after the adoption of this resolution it shall be in order in the consideration of H. R. 11267, the legislative appropriation bill, for the chairman of the Economy Committee, or any member of the Economy Committee acting for him, by direction of that committee, to offer an amendment to said bill, any rule of the House to the contrary notwithstanding. On said amendment there shall be two hours of general debate, one-half to be controlled by the chairman of the Economy Committee and one-half by the ranking minority member of that committee. At the termination of such debate the amendment shall be considered under the 5-minute rule as an original bill and shall be considered by titles. Each title as it is read shall be open to four amendments, said amendments not being subject to amendment, and no further amendments shall be entertained by the Chair. The provisions of clause 7, Rule XVI, or clause 2, Rule XXI, shall not apply to the substitute amendment offered to Title I of the Economy Committee amendment. At the conclusion of the consideration of the bill in the Committee of the Whole House on the state of the Union the committee shall rise and report the bill to the House with the amendments, including the amendment offered by the Economy Committee as amended, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the Economy Committee amendment. The previous question shall be considered as ordered on the bill and Economy Committee amendment, including the amendments to the Economy Committee amendment to final passage without intervening motion except two motions to recommit, and such motions to recommit shall be in order, any rule of the House to the contrary notwithstanding.

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

Mr. BANKHEAD. Yes.

Mr. LAGUARDIA. Does the rule provide that the time shall be equally divided between those for and against the resolution?

Mr. BANKHEAD. The rule provides that the control of the time on the discussion of the proposition shall be by the chairman of the committee and the ranking minority member of the committee, but I give the gentleman assurance that the usual arrangement will be made for an equal division of time.

COST OF MAINTENANCE OF HARBORS AND CONNECTING CHANNELS ON THE GREAT LAKES

Mr. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks by having inserted in the RECORD certain data with reference to the cost of the maintenance of harbors on the Great Lakes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOLTON. Mr. Speaker, in view of the present discussion of the reorganization and consolidation of Government departments, and particularly those suggestions involving the transfer of the rivers and harbors activities of the Corps of Engineers, War Department, to other departments, there is presented herewith interesting data from the Chief of Engineers showing the average cost per ton over the past 5-year period for maintenance of the several harbors on the Great Lakes, including the entire Great Lakes division, and similar figures for representative districts on the Atlantic, Gulf, and Pacific coasts; the first New York district; the Galveston district; and the Portland district. The tabulation also shows the average maintenance cost and the average commerce in tons, on which the average cost of maintenance per ton is based. It is believed a study of the accompanying data will indicate the justification of the various Great Lakes projects listed and the economic manner in which they are being operated.

The figures for the Great Lakes division, comprising all of the districts on the Great Lakes, were prepared for the calendar year 1930; and inasmuch as these are reasonably representative, new tabulation has not been prepared. The commerce on the Great Lakes for 1930 was about 6.6 per cent less than the average commerce for the past five years, so the maintenance cost per ton should be considered in this light.

There has also been prepared a statement showing Great Lakes commerce—a summary of the net average commerce, eliminating all known duplications, for the 5-year period 1926–1930. This amount is arrived at by eliminating from the tonnage shown for each port or connecting channel that commerce which is duplicated in the reports of two or more projects. For example, a shipment from an upper lake port destined for a lower lake port, or vice versa, may be reported on by that port, by the projects for St. Marys River, channels in Lake St. Clair, Detroit River, and by the receiving port. To arrive at the net maintenance cost per ton handled on the Great Lakes system as a whole such duplications have been eliminated in this table. This shows the average net cost per ton to be $0.022 when each cargo is counted but once, in spite of the fact that it is handled at least by 2 projects and often by 4 or 5 projects on the Lakes. It will be noted that the average cost per ton of maintenance, without eliminating such duplications, or the average cost per ton of maintenance of all projects on the Lakes, is $0.0062. On this latter basis the average cost per ton in the first New York district is $0.0022, in the Galveston district $0.0211, and in the Portland district $0.0366.

A further computation made by the Chief of Engineers for harbors in the first New York district, excluding duplications; car-ferry traffic, which in this district is carried on shallow-draft floats; and cargoes in transit, shows for the calendar year 1930 a net commerce of 128,544,854 tons, which, reduced to a maintenance cost per ton, gives an average cost of maintenance per ton of $0.00603, which is to be compared with the cost of $0.022 on the Great Lakes, where the net average commerce, eliminating duplications, for the 5-year period 1926–1930 was 135,241,077.

In this consideration it must be borne in mind that in practically each instance where the average cost per ton of harbors on the Great Lakes appears excessive this is due to the repair and improvement of superstructures during the past five years on old lumber piers and dikes by replacing the original wooden structure down to the water level, and in many cases below that level, with stone and cement structures which will require practically no maintenance in the future. In most instances these are harbors of refuge where the commercial tonnage does not seem to justify the upkeep but where the factor of safety makes it essential.

It must also be kept in mind that in making what are commonly known in the business field as capital expenditures for improvements of a permanent nature replacing obsolete or worn out equipment or improvements, the practice of the War Department is to charge such costs to maintenance. Naturally, where improvements are involved and charged to maintenance the average cost appears excessive as compared to other harbors where the only expenditures made were for dredging.

It may be of interest to note comparative figures on the maintenance cost per ton-mile of commerce hauled on the Great Lakes, and on other inland waterways of the United States. The total ton mileage of commerce on the inland waterways of this country during the calendar year 1930, exclusive of the Great Lakes, was 9,087,513,833. The cost of maintenance, and operating and care of locks and dams during the fiscal year 1931 on these waterways was $15,360,860, or $0.00169 per ton-mile of commerce. The total ton mileage on the Great Lakes alone during the calendar year 1930 was 77,365,558,000. The cost of maintenance during the fiscal year 1931 was $3,874,570, or $0.00005 per ton-mile.

The following are the tabulations referred to:

FIRST NEW YORK DISTRICT

Project	Average cost of maintenance last 5 years	Average commerce last 5 years	Maintenance cost per ton
		Tons	
Port Chester Harbor, N. Y.	$4,955	422,737	$0.0117
Mamaroneck Harbor, N. Y.	5,513	337,132	.0164
Echo Bay Harbor, N. Y.	20	93,205	.0002
New Rochelle Harbor, N. Y.	53	160,255	.0003
East Chester Creek, N. Y.	15,272	574,413	.0266
Westchester Creek, N. Y.	1,051	382,789	.0027
Bronx River, N. Y.	5,667	659,653	.0086
Flushing Bay Harbor, N. Y.	11,969	1,651,963	.0072
Hempstead Harbor, N. Y.	7,560	6,901,982	.0011
Huntington Harbor, N. Y.	70	71,106	.0010
Port Jefferson Harbor, N. Y.	300	2,438,986	.0001
Mattituck Harbor, N. Y.	5,040	5,134	.9882
Great South Bay, N. Y.	3,120	36,556	.0852
Browns Creek, N. Y.	4,379	967	4.5284
Jamaica Bay, N. Y.	1,997	1,152,183	.0017
Sheepshead Bay, N. Y.	26	5,126	.0051
New York Harbor, N. Y.	66,800	143,153,455	.0005
Coney Island Channel, N. Y.	26,808	1,055,666	.0254
Bay Ridge and Red Hook Channels, N. Y.	243,952	21,994,512	.0111
Buttermilk Channel, N. Y.	31,459	6,328,221	.0050
Gowanus Creek Channel, N. Y.	32	4,729,033	.000007
East River, N. Y.	8,134	68,292,093	.0001
Wallabout Channel, N. Y.	29	1,942,082	.00001
Newtown Creek, N. Y.	13,906	6,043,488	.0023
Harlem River, N. Y.	18,576	7,548,430	.0025
Hudson River Channel, N. Y.	124,757	71,672,765	.0017
New York Harbor, collection and removal of drift	48,050		
Tarrytown Harbor, N. Y.	3,722	309,090	.0120
Peekskill Harbor, N. Y.	3,907	100,497	.0389
Wappinger Creek, N. Y.	1,748	13,649	.1285
Rondout Harbor, N. Y.	430	223,459	.0019
Saugerties Harbor, N. Y.	6,224	38,729	.1608
Hudson River, N. Y.	84,263	3,219,064	.0262
Operating and care of lock and dam at Troy, N. Y.	22,370	2,523,323	.0089
Narrows of Lake Champlain, N. Y. and Vt.	319	120,224	.0027
Burlington Harbor, Vt.	2,977	17,146	.1741
Plattsburg Harbor, N. Y.	110	2,476	.0444
Port Henry Harbor, N. Y.	32	9,655	.0033
Otter Creek, Vt.	110	1,335	.0824
Total	775,767	354,232,579	.0022

GALVESTON DISTRICT

Project	Average cost of maintenance last 5 years	Average commerce last 5 years	Maintenance cost per ton
Sabine-Neches Waterway, Tex.	$402,977	57,436,256	$0.007
Johnsons Bayou, La.	2,567	1,254	2.0471
Intracoastal waterway, between Sabine River and Corpus Christi	97,544	732,664	.1331
Galveston Harbor, Tex.	137,939	19,303,324	.0071
Galveston Channel, Tex.	208,903	5,677,945	.0368
Texas City Channel, Tex.	209,104	3,724,980	.0561
Port Bolivar Channel, Tex.	16,070	327,014	.0491
Houston Ship Channel, Tex.	671,969	12,863,280	.0522
Double Bayou, Tex.	2,454	7,165	.3425
Anahuac Channel, Tex.	13,628	31,795	.4286
Turtle Bayou, Tex.	4,574	2,405	1.9058
Mouth of Trinity River, Tex.		17,679	
Trinity River, Tex.	7,756	15,762	.4909
Cedar Bayou, Tex.	6,983	100,519	.0695
Clear Creek, Tex.	2,878	51,450	.0559
Dickinson Bayou, Tex.	3,800	108	35.1852
Chocolate Bayou, Tex.		111	
Bastrop Bayou, Tex.	2,028		
Freeport Harbor, Tex.	81,024	527,925	.1535
Aransas Pass-Corpus Christi Channel, Tex.	192,337	2,925,838	.0657
Pass Cavallo-Port Lavaca Channel	889	28,497	.0312
Guadalupe River to Victoria, Tex.		8,404	
Port Aransas, Tex.	162,028	2,195,815	.0738
Brazos Island Harbor, Tex.			
Cypress Bayou and Waterway between Jefferson, Tex., and Shreveport, La.	9,654	9,536	1.0124
Total	2,237,106	105,989,726	.0211

PORTLAND DISTRICT

Project	Average cost of maintenance last 5 years	Average commerce last 5 years	Maintenance cost per ton
Coquille River, Oreg.	$8,018	47,087	$0.1702
Coos Bay, Oreg.	208,876	997,167	.2095
Coos River, Oreg.	2,485	61,729	.0403
Umpqua River, Oreg.	29,908	15,323	1.9548
Siuslaw River, Oreg.	240	23,814	.0101
Yaquina River, Oreg.		267,232	
Yaquina Bay and Harbor, Oreg.	5,505	287,848	.0191
Tillamook Bay and Bar, Oreg.	24,753	147,607	.1671
Columbia River at mouth, Oreg. and Wash.	3,122	6,767,508	.0005
Columbia and lower Willamette Rivers, below Vancouver, Wash., and Portland, Oreg.	375,860	9,761,631	.0385
Clatskanie River, Oreg.	3,383	256,400	.0132
Willamette River above Portland and Yamhill River, Oreg.	60,194	1,721,470	.035
Operating and care, Willamette Falls Canal	30,909	251,334	.123
Operating and care, lock and dam, Yamhill River, Oreg.	2,754	4,720	.5835
Operating and care, Cascades Canal, Oreg.	19,724	58,955	.3343
Operating and care, Dalles-Celilo Canal, Oreg.	17,073		
Columbia River and tributaries, above Celilo Falls to Snake River	174		

PORTLAND DISTRICT—continued

Project	Average cost of maintenance last 5 years	Average commerce last 5 years	Maintenance cost per ton
		Tons	
Snake River, Oreg., Wash., and Idaho	$64	22,823	$0.0028
Lewis River, Wash.	26	10,312	.0025
Cowlitz River, Wash.	2,025	819,948	.0025
Skamokawa Creek, Wash.	1,518	104,554	.0145
Grays River, Wash.		45,499	
Deep River, Wash.	320	103,595	.0029
Total	796,931	21,781,556	.0366

Great Lakes commerce

ACTIVE PROJECTS

Project	Average maintenance	Commerce, 1930	Maintenance cost per ton
		Tons	
Agate Bay Harbor, Minn.	$1,154	7,203,145	$0.0002
Algoma Harbor, Wis.	3,334	3,123	1.0675
Alpena Harbor, Mich.	1,801	1,734,933	.0010
Ashland Harbor, Wis.	1,311	6,440,944	.0002
Ashtabula Harbor, Ohio	26,802	10,775,744	.0025
Baudette Harbor and River, Minn.	1,717	13,923	.1233
Black River, Mich.	10,933	104,777	.1043
Black Rock Channel and Tonawanda Harbor, N. Y.	101,527	4,367,347	.0234
Buffalo Harbor, N. Y.	98,198	19,382,851	.0051
Calumet Harbor and River, Ill. and Ind.	117,432	11,508,282	.0102
Cape Vincent Harbor, N. Y.	333	5,401	.0616
Charlevoix Harbor, Mich.	17,450	8,800	1.78
Cheboygan Harbor, Mich.	4,038	11,024	.3662
Chicago Harbor, Ill.	128,024	1,601,330	.0799
Chicago River, Ill.	73,380	1,231,803	.0595
Cleveland Harbor, Ohio	101,132	11,950,493	.0085
Conneaut Harbor, Ohio	7,388	10,817,641	.0007
Detroit River, Mich.	13,681	94,155,889	.0001
Duluth-Superior Harbor, Minn. and Wis.	107,972	45,726,085	.0023
Dunkirk Harbor, N. Y.	32,758	16,464	1.988
Erie Harbor, Pa.	48,076	4,594,691	.0105
Fairport Harbor, Ohio	11,141	3,911,844	.0028
Fox River, Wis.	287,567	325,658	.883
Frankfort Harbor, Mich.	9,470	1,449,635	.0065
Grand Haven Harbor and Grand River, Mich.	31,950	1,610,559	.0198
Grand Marais Harbor, Minn.	759	2,599	.2920
Grand Marais Harbor of Refuge, Mich.	16,256	508	32.00
Great Sodus Bay Harbor, N. Y.	19,810	886,737	.0223
Green Bay Harbor, Wis.	14,415	1,809,802	.0078
Harbor Beach Harbor of Refuge at Lake Huron, Mich.	276		
Holland Harbor, Mich.	24,170	18,120	1.334
Huron Harbor, Ohio	9,422	1,926,764	.0049
Indiana Harbor, Ind.	22,844	6,505,207	.0035
Kenosha Harbor, Wis.	9,790	33,360	.2903
Kewaunee Harbor, Wis.	14,740	460,186	.0323
Keweenaw Waterway, Mich.	131,908	1,160,234	.1137
Little Sodus Bay Harbor, N. Y.	11,407	17,975	.6346
Lorain Harbor, Ohio	12,907	5,613,734	.0023
Ludington Harbor, Mich.	33,710	2,212,872	.0152
Mackinac Harbor, Mich.	4,747	10,320	.46
Manistee Harbor, Mich.	35,330	86,513	.4084
Manistique Harbor, Mich.	2,446	274,475	.0089
Manitowoc Harbor, Wis.	25,400	1,913,757	.0133
Marquette Bay Harbor of Refuge, Mich.	17,681	2,707,085	.0065
Marquette Harbor, Mich.	4,431	810,191	.0055
Menominee Harbor and River, Mich. and Wis.	16,686	686,078	.0243
Michigan City Harbor, Ind.	47,105	9,202	5.1201
Milwaukee Harbor, Wis.	194,095	7,703,182	.0252
Monroe Harbor, Mich.	3,710		
Morristown Harbor, N. Y.	96	1,066	.09
Muskegon Harbor, Mich.	7,360	669,427	.011
Niagara River, N. Y.	398	170,119	.0023
Ogdensburg Harbor, N. Y.	7,659	1,069,552	.0072
Olcott Harbor, N. Y.	8,600		
Ontonagon Harbor, Mich.	23,192	28,880	.803
Oswego Harbor, N. Y.	29,897	394,718	.0757
Potoskey Harbor, Mich.	11,360	12,132	.9363
Portage Lake Harbor of Refuge, Mich.	3,600	268	13.4328
Port Clinton Harbor, Ohio		2,078	
Port Washington Harbor, Wis.	7,230	12,032	.6008
Racine Harbor, Wis.	11,460	301,462	.038
Rochester (Charlotte) Harbor, N. Y.	17,985	1,096,794	.0164
Rocky River, Ohio	1,166		
Rouge River, Mich.	42,354	4,875,927	.0087
Saginaw River, Mich.	71,778	1,110,471	.0646
Channels in Lake St. Claire, Mich.	47,277	81,684,158	.0006
St. Clair River, Mich.	8,041		.0001
St. Joseph Harbor, Mich.	22,410	35,748	.6269
St. Lawrence River, Ogdensburg, N. Y., to Lake Ontario		6,371,704	
St. Marys River, Mich.	300,732	72,897,752	.0041
Sandusky Harbor, Ohio	17,643	8,297,563	.0021
Saugatuck Harbor and Kalamazoo River, Mich.	5,054	1,678	3.0019
Sheboygan Harbor, Wis.	26,040	424,876	.0612
South Haven Harbor, Mich.	17,230	21,494	.801
Sturgeon Bay and Lake Michigan Ship Canal, Wis.	40,826	1,195,648	.0341
Toledo Harbor, Ohio	214,140	19,523,122	.0109
Two Rivers Harbor, Wis.	26,360	23,456	1.1238
Vermilion Harbor, Ohio	1,656	3,136	.528

Great Lakes commerce—Continued

ACTIVE PROJECTS—continued

Project	Average maintenance	Commerce, 1930	Maintenance cost per ton
		Tons	
Waddington Harbor, N. Y	$14,368	150,508	$0.0054
Warroad Harbor and River, Minn	21,809	6,774	3.2195
Waukegan Harbor, Ill	45,871	286,625	.16
White Lake Harbor, Mich	12,540	1,724	7.2737
INACTIVE PROJECTS			
Arcadia Harbor, Mich			
Ausable Harbor, Mich			
Belle River, Mich			
Big Creek, Ohio			
Black River, N. Y			
Cattaraugus Creek, N. Y			
Cedar River Harbor, Mich			
Clinton River, Mich			
Eagle Harbor, Mich			
Gladstone Harbor, Mich		60,441	
Grasse River, N. Y			
LaPlaisance Bay, Mich			
Maumee River, Ohio			
Milwaukee (South) Harbor, Wis			
Minnesota Point at Superior, Wis			
New Buffalo Harbor, Mich			
Oak Orchard Harbor, N. Y			
Oconto Harbor, Wis		357	
Pensaukee Harbor and River, Wis			
Pentwater Harbor, Mich		29	
Pine River, Mich			
Portland Harbor, N. Y			
Port Ontario Harbor, N. Y			
Port Wing Harbor, Wis	$25		
Pultneyville Harbor, N. Y			
Rogers City Harbor, Mich			
Sacketts Harbor, N. Y		8,400	
St. Joseph River, Mich		33,000	
Sandusky River, Ohio			
Schawaing Harbor (river), Mich			
Ticonderoga River, N. Y			
Whitehall Harbor, N. Y			
Wilson Harbor, N. Y			
Total	2,978,781	477,703,270	$0.0062
Net average commerce, eliminating all known duplications for 5-year period 1926–1930		135,241,077	.022

OUR PRESENT EMERGENCY AND SUGGESTED REMEDIES

Mr. GARBER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article and one editorial.

Mr. STAFFORD. Reserving the right to object, how extensive is the article and the editorial referred to?

Mr. GARBER. I could not state the exact length of it. It is not a lengthy article. It is a very brief statement.

Mr. STAFFORD. Will it require more than one page of the RECORD or not?

Mr. GARBER. No; I hardly think it would.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GARBER. Mr. Speaker, Members of the House, the following letter from one of the leading representative citizens of the Southwest so ably expresses the progressive thought of the country and the constructive remedies for relief that I am exercising the privilege of incorporating it in full that other members may have the benefit of its perusal.

ENID, OKLA., *April 20, 1932.*

Hon. M. C. GARBER,
Washington, D. C.

DEAR JUDGE: I have been personally gratified in noting a few vibrant voices in this Congress that are demanding the enactment of a bank-deposit guaranty law. There would be no hoarded-money problems if depositors were insured against loss. I note they are also demanding an international conference to consider the "silver" question, and why not? I am sorry that President Hoover continues to ignore the mandate given him by the Senate last June to call such a conference. "Free coinage" of silver by international agreement is good Republican doctrine, or at least it was good Republican doctrine in 1896, and William McKinley was elected President on that issue at that time. The immortal William Jennings Bryan wanted silver coined free "without the help of any other nation on earth," and of course I think he was right.

Since our country's untoward and, in my judgment, unjustifiable action in destroying the value of silver by adverse legislation, especially since it is exclusively an American product, and since in consequence of this action the value of the money which over half the population of the world uses has been virtually destroyed, and since in consequence of the destruction of one-half the money metal of the world civilization itself seems to be tottering, it seems to me that we ought immediately to retrace our steps, and by remonetizing silver restore bimetallism—the gold and silver coinage of the Constitution. Washington established it. Hamilton and Jefferson concurred in it. Webster and Blaine defended it. What more can be said?

Surely the ruin which the gold-standard sponsors have brought, not only only on our own country but on the whole world, ought to bar them from any further surveilance of our monetary affairs.

Any bunch of high-powered financiers, entrusted with the unlimited power to function as ours have been, and who can devise no other remedy for our distresses than by issuing billions of dollars of interest-bearing bonds, ought to be told by this Congress "to go away back and sit down."

Since a measure of inflation is both necessary and inevitable if debtors are ever to be able to discharge their debts, and since the alleged aim of the huge bond issues is to provide this inflation, and since outstanding Government bonds are now selling as low as 90 cents on the dollar, why can not Congress, solely as an emergency measure—a great emergency measure—authorize Secretary of the Treasury Ogden Mills to call in a billion dollars' worth of these discredited bonds and issue in exchange for them non-interest-bearing Treasury notes (currency) and at the same time declare them legal tender for all debts, public and private? This would reduce the national debt a billion dollars instead of increasing it by that sum. It would restore United States bonds to par and give the country the billion dollars in new currency that it needs.

I do not contend that this is the best way, but it is one way, and I believe it would provide instant, if not permanent, relief.

I believe Lincoln would do it if he were President now. In fact, he did do a more rank thing when he had Secretary Chase issue $300,000,000 in "greenbacks," and with which, after declaring them legal tender, he paid the back salaries of the soldiers of the Civil War.

Judge, it seems to me that the overshadowing issue, the issue that eclipses all other issues and without the solution of which all other remedial measures are futile, is a monetary one, and that unless it is solved by this Congress, and solved in the interest of the masses of our people, the present depression is but a mild zephyr compared to the whirlwinds of financial ruin that are destined to stagger the world.

Thousands of the best citizens in the great Southwest are losing their farms, their homes, and, through no fault of their own, the accumulations of a lifetime. Many of these are your neighbors and mine. They are dumb with amazement at the plight in which they find themselves and seem to wonder what it is all about.

Surely this Congress will not seek nor accept advice from the internationally minded financial pirates that have steered our frail monetary craft upon the rocks. It seems to me that it would be a wise policy to find out what they want, then vote against it.

I admire the clarity with which you elucidate every issue engaging the attention of this Congress. I enjoy reading your speeches in the RECORD and thus far have found nothing in them with which I do not agree. Please excuse this long letter.

Always wishing you well,

I am, sincerely yours, EDMUND FRANTZ.

THE SOLDIERS' BONUS

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein a statement made by the gentleman from Indiana [Mr. PETTENGILL] before the Ways and Means Committee this morning on the subject of the soldiers' bonus.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, this morning the distinguished gentleman from Indiana [Mr. PETTENGILL] submitted to the Ways and Means Committee a plan for the payment of the soldiers' bonus. The plan is so able and so constructive as to merit the careful thought of all interested in the solution of this vexing and pressing problem. Under leave granted me I extend it in the RECORD that the Congress and the country may be advised of it.

To the WAYS AND MEANS COMMITTEE,
House of Representatives.

Re: Soldiers' bonus.

GENTLEMEN: I suggest for your consideration the following plan:

First. At the option of the veteran, let him turn in his adjusted-service certificate.

Second. Less any amount due on loans previously made, ascertain its "present value" at a low rate of interest, say 2 or 3 per cent.

Third. For such present value deliver to the veteran $50 (or possibly $25) coupon bonds, all due in 1945, bearing 2 or 3 per cent interest. I think there should be such an interest differential in ascertaining "present value" and the rate on the bonds so that there will be a pecuniary object in the veteran retaining his adjusted-service certificate until 1945 as a paid-up annuity policy

for himself when 13 years older or for the protection of his widow and children if he dies before then.

Fourth. For any odd fraction of the amount of such present value pay him in money (e. g., present value $717.50. Deliver bonds of face value of $700, 14 bonds at $50 par or 28 bonds at $25 par and $17.50 cash).

5. Except for date, maturity, interest rate, etc., these bonds to be practically indistinguishable for the so-called "Baby" Liberty bonds with which the public became familiar during the World War.

6. In order to help maintain a market value close to par on the bonds, I suggest this: The Government has already set up a sinking fund to redeem the adjusted-service certificates in 1945, 13 years from now. Let the Government undertake to purchase in the open market at face value, plus accrued interest, bonds totaling one-thirteenth of the issue each year. I would go further and purchase one-twelfth of such thirteenth every month. While at first, at least, more bonds might be offered than the Government had undertaken to purchase, nevertheless the fact that it is known that the Government is in the market at par would help materially to maintain face value despite the low interest rate. In this connection I call your attention to the plan of the Government to retire at face, on 60 days' notice, the low-interest-rate "antihoarding bonds."

For this plan I suggest that it possesses these advantages:

(a) Its utter simplicity. It does not go outside of established patterns of thought.

(b) It substitutes one obligation of the Government for another—bonds for adjusted-service certificates, both due in 1945, and both to the same creditor, the veteran. It does not increase the total obligation. If the credit of the Government is not impaired by the fact that adjusted-service certificates due in 1945 are outstanding, the substitution of baby bonds for a like amount, and a like maturity, would not seem capable of impairing confidence in the Government.

(c) It does not admit the principle that the Government is paying in advance of 1945 an obligation not due until then. It does not create the dangerous precedent of the Government paying this or other debts by paper money. Nevertheless, the veteran has something for immediate use.

(d) Except for the annual purchase of one-thirteenth of the issue each year, it throws no additional strain on the Government for the immediate future. Even this might be eliminated for the present, as it is suggested primarily to maintain a market substantially at par. Or the Federal reserve banks could purchase them in "open-market" operations, as they are now doing, presenting them to the Treasury for retirement in 1945.

(e) It would relieve distress and bring hope in hundreds of thousands of homes.

(f) Creditors of the veteran—his grocer, his coal man, his merchant, his mortgage holder, his doctor—would accept the bonds as money, and I think in most cases without discount, both because it pays a debt which he is glad to receive and for patriotic reasons also.

(g) It would bring Government credit to the grass roots—to every township in America.

(h) Because these small bonds would pass from hand to hand they would tend to produce a moderate degree of inflation or "reflation," which we all agree is imperative if commodity values are to be turned upward—without which buying, production, and employment will continue from hand to mouth. At the same time such inflation would not tend to get out of hand.

(i) Although these small denominational bonds would pass from debtor to creditor as money, nevertheless, for the very reason that they are not money, they would not cause the psychological shock which I fear would attend any scheme for "fiat" or "printing-press" money. Any such plan (granting its actual soundness for argument's sake) would, I fear, by reason of its intricate machinery, and public unfamiliarity with a new issue of money, tend to destroy confidence in the American paper dollar, and cause a disastrous withdrawal and hoarding of gold, both at home and from abroad. The stump may be a stump, but if the horse thinks it is a bear, the arguments of the driver are wasted. We can not overlook the psychological factor at this time. Confidence in the money of the Government must be maintained at every hazard.

(j) As against procuring money to pay the bonus by a bond issue to the general public, it does not deplete the resources of banks or disturb funds awaiting private investment.

(k) It does not "freeze" nor hypothecate nor segregate existing gold reserves behind currency issues—reserves which we may need to meet foreign withdrawals—or as a basis for credit expansion through the Federal reserve.

(l) Further, it seems to me to be a splendid thing in these critical times to have small Government bonds in the pockets of the people. It ties them to their Government. These bonds would become a visible symbol of our Ship of State as it plunges forward against heavy seas. They would make hundreds of thousands—yes, millions—of people in humble homes all over this broad land interested in preserving the integrity of the National Government against every foe, foreign and domestic. They would interest our people in our problems. They would give support for sound government, for honest government, for frugal government.

In closing I offer this only as a suggestion and with the sole desire to be helpful to the committee in working out a tremendously difficult problem. No doubt it can be improved. I invite your criticism. I realize that serious objections which do not now occur to me may be offered. It, however, seems to me to occupy sound middle ground between no bonus at all and putting the printing presses to work.

SAMUEL B. PETTENGILL, M. C.

JOSEPH HEWES

Mr. WARREN. Mr. Speaker, on April 28 there will be unveiled at Edenton, N. C., a monument erected by Congress to the memory of Joseph Hewes, a signer of the Declaration of Independence. Hon. Josephus Daniels has written a very fine editorial on Mr. Hewes, and I ask unanimous consent to extend my remarks in the RECORD by inserting that editorial.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WARREN. Mr. Speaker, on Thursday, April 28, at Edenton, N. C., there will be unveiled a monument erected by Congress to Joseph Hewes, a signer of the Declaration of Independence, and who was also chairman of the committee on marine of the Continental Congress. It was Hewes who commissioned John Paul Jones. Little has been known of Joseph Hewes, and his great contribution to the founding of the Republic, and we are indebted to Hon. Josephus Daniels for a most informative editorial appearing in the Raleigh (N. C.) News and Observer on Sunday, April 24, giving a most interesting account of the work of this great patriot. Under the authority given me, I am inserting this editorial in the RECORD:

JOSEPH HEWES, AN "ANGEL OF HAPPINESS"

"You are the angel of my happiness; since to your friendship I owe my present enjoyment, as well as my future prospects. You more than any other person have labored to place the instruments of success in my hands." (John Paul Jones, writing of Joseph Hewes.)

All roads lead to Edenton this week. The big event in North Carolina occurs there on next Thursday, when the congressional monument erected in Edenton to the memory of Joseph Hewes will be unveiled with appropriate exercises and speeches by distinguished Americans. The event will carry to Edenton many thousand people in response to the hospitable invitation which has been extended by the mayor of Edenton and the Joseph Hewes committee. The Hewes monument will be in historic surroundings, for in and near Edenton lie buried some of the most notable men this State and country have produced. It was said of the port town of Edenton in the early days: "Within its vicinity there was in proportion to its population a greater number of men eminent for ability, virtue, and erudition than in any other part of America." With most of them Joseph Hewes was a contemporary.

Edenton was a small village when it was the home of Joseph Hewes, James Iredell, and Samuel Johnston, to mention only three of the illustrious men of the Hewes era. Iredell was, of course, the leader of the bar, and afterwards in learning gave luster to the bench. Johnston, a natural executive and leader, served his State and country in high station. But to Joseph Hewes came the distinction of distinctions—the opportunity which he embraced of attaching his name to the greatest document that has been signed since Runnymede. Hewes, along with John Penn and William Hooper, attached his name to the Declaration of Independence as representative of the patriotic people of North Carolina. It happened in that case, as in many others, that the men to whom was given the distinction of voicing the fixed will of the people had not all been leaders in the movement culminating in the great event.

Hooper was called by Jefferson "a Tory," not because he had not been patriotic in the war, but because in the formative days of the Republic, Mr. Hooper was an ultra-Federalist and Mr. Jefferson, regarding the two parties in America after the names in England, called the Hamiltonians Tories and the Republican-Democrats Whigs, and his designation, like all transplanted designations, was not always accurate. But in the day when Jefferson, Madison, and Macon were putting the country on the democratic tack, Hooper sided with the Federalists. John Penn was an ardent Jeffersonian. Mr. Hewes, closely associated with Iredell and Johnston, was a conservative man and was slow to believe that the Colonies could win and came to believe in independence only when he lost hope that the British would treat the Colonies fairly, and when he found the people determined upon self-government. It has been suggested that the controlling influence which caused Mr. Hewes to become a champion of independence was the pressure following the historic Edenton tea party. It was attended by 51 women who engaged themselves "not to conform to that pernicious custom of drinking tea, and the aforesaid ladys would not promote ye wear of any manufacture from England until such time that all acts which tend to enslave this our native country shall be repealed." Phillips Russell has written of this incident: "The colonial female of the species being more deadly than the

male, and Hewes being a bachelor, it is small wonder that he gave ground, abandoned Quaker tenets, and threw his interests in with the Colonial lot; and was thereafter active in all continental and provincial councils."

The truth is that Joseph Hewes was more of a merchant and mariner than a statesman. He was a man of affairs and property, and feared what might happen if the country cut loose from England. He, however, resolved all these fears in favor of the prevailing opinion and stood with the more ardent and early believers in independence.

For a time these more enthusiastic and forward-looking advocates of breaking all relations with England were doubtful where Hewes would stand, and fearful he would oppose their dream of a free America. They knew that his close personal and political associates were so tied to England that they feared he would not rise to the occasion, voice the prevailing patriotic sentiment of the colony of North Carolina, and make himself immortal. John Adams, a leader in the Continental Congress, gave this picture of the mental stress of Hewes and how he came to see the light and follow it:

"One day while a member was producing arguments to show the general opinion of all the colonies was for independence, and among them North Carolina, Hewes, who had hitherto constantly voted against it, stood suddenly upright and lifting both hands to Heaven cried out, 'It is done and I will abide by it.'"

And Adams further commented, showing how obstinate was the opposition to separation from England:

"I would give more for a perfect painting of the terror and horror upon the face of the old majority at that critical moment than for the best piece of Raphael."

Adams also gives us the best pen picture that we have of Hewes when he said: "Hewes has a sharp eye, a keen, penetrating sense, but what is of more importance, is a man of honor and integrity." William Hooper, a co-signer of the Declaration with Hewes, and with whose so-called Tory opposition Hewes was in earlier debates in harmony, writes of Hewes: "He was my intimate friend. I knew and had probed the secret recesses of his soul, and found it devoid of guile and replete with benignity."

Mr. Hewes was a native of New Jersey and engaged in business and maritime pursuits in Philadelphia. Later he moved to Edenton, induced thereto by the fact that there was considerable commerce from the West Indies. He was a large exporter and importer and owned a large fleet of merchant vessels which he later placed at the disposal of the country during the Revolution. His ships could make the trip from Edenton to these islands, furnishing many products to the colonies, much quicker than from Philadelphia. He prospered in Edenton and became what in those days was regarded as a man of wealth so that in his will he was able to bequeath to his family many thousand pounds. He early obtained the confidence of the people of his adopted home and took interest as a public-spirited business man in all that concerned the people of the colony.

It was while serving in the Continental Congress that the opportunity came to Mr. Hewes to obtain a brevet title of Secretary of the Navy of the Colonies. Of course, he had no such legal title, but when General Washington and other leaders, among them Mr. Hewes, saw that means must be found to waylay the ships bringing supplies to the British Army, the need for a continental navy was seen. There was, therefore, organized the marine committee of the Congress, composed of John Adams, Stephen Hopkins, Richard Henry Lee, Robert Morris, and Joseph Hewes. Hopkins had been trained to the sea but Hewes had had large experience with ships and seamen in the actual direction of seamen and merchant marine, and he became what was called "the work horse" of the committee and its chairman. In truth, it was a distinction to be the leader of such a distinguished committee, but some of the members were slow to follow Mr. Hewes. In fact, some of them never did follow him. The New Englanders, led by Adams and Hopkins, wished to control the new Navy and name their hand-picked officers to direct it. One of them asked, directing his words to the southerners on the committee: "Haven't you filled the Army with your precious Washingtons, Lees, and other Virginians?" and added: "Keep your Army spoils, but the Navy is our meat." But there were two members of the committee, Joseph Hewes, of North Carolina, and Robert Morris, of Philadelphia, who were unwilling to turn the Navy over entirely to New England officers.

Morris didn't think that anything could go on in America successfully unless a Philadelphian had prominent place in it, and so he demanded that Nicholas Biddle be given a commission. Joseph Hewes was firm in his insistence that North Carolina must have an officer on the list of the first officers of the young navy. He suggested for a commission as captain a man who had never been heard of by the other members of the committee, John P. Jones. If he had suggested that John Paul be given a commission, the other members might have heard of that romantic sailor who said of himself that he had been "a son of fortune." However, though Morris and Hewes were able to compel the commissions in the lower grades, Morris making Biddle a captain of the *Andrea Doria*, Hewes had to be contented with a first lieutenantship for John Paul Jones, who was given the task of arming and manning the flagship *Alfred*. Most of the new officers were New Englanders, and worse than that, most of the appointees were either relatives or friends of Stephen Hopkins and John Adams, Members of the Continental Congress. Nepotism is nothing new. It resulted then, as almost always, in injury to the public service, for within a few months most of these favorites who had been given commissions had lost their ships, been cashiered, tried on charges, or told to find a port and rest. Jones once wrote: "When I applied for a lieutenancy I hoped in that work to gain much useful knowledge from men of more experience than myself. I was, however, mistaken, for instead of gaining information, I was obliged to inform others. A few of them did almost everything except prick themselves with their own swords." Phillips Russell says: "Only two men in this historic list of the first American naval officers came out of their first tests with laurels, and they were the last two chosen—Nicholas Biddle and John P. Jones. Because he owed his appointment to Hewes, the latter was thenceforth known as 'the North Carolina captain.'"

This is not the time nor place to discuss the somewhat disputed question as to how John Paul received the name of Jones. There has long existed in North Carolina a tradition, which was accepted without question for many years, that after John Paul Jones had killed a man on board his ship and it was necessary for him to hide himself for a time, he came to North Carolina and lived in the homes of Willie Jones and Allen Jones. The story of how this happened, whether historic or traditional, is very interesting. It is that John Paul had formed the acquaintance and secured the friendship of Joseph Hewes in Philadelphia, and Hewes had invited the young sailor to visit him at his home in Edenton. Therefore, unannounced, John Paul appeared in Edenton to accept this generous invitation. When he arrived in Edenton he found that Mr. Hewes had gone on one of his ships to the West Indies, and the disconsolate young sailor, without friends and without money, was sitting on the wharf in Edenton Bay when the great patriot, Willie Jones, went to the wharf to take a boat to return to his home in Halifax. In a small town like Edenton the presence of a stranger, particularly a stranger of the attractiveness of John Paul, caused Mr. Jones to inquire about him and how he happened to be there, and so he approached the young man and asked:

"What is your name?"

"My name is John Paul," was the answer.

"What brought you to Edenton?" asked Mr. Jones.

"I was invited," said John Paul, "by Mr. Joseph Hewes to visit him in Edenton, and I came hoping to find him. I now learn that he is in the West Indies and will not be back for some time and therefore I am in great distress."

Thereupon, so the story goes—it is history or tradition, whichever you choose to call it—Willie Jones, who had doubtless heard of John Paul, and who had a flair for promising young men, invited John Paul to go to his home. The invitation was accepted and for a time John Paul was a resident in his home, alternating between the home of Willie Jones in Halifax and the home of his brother, Allen Jones. The attachment became very strong between the nomadic and brilliant young sailor and these two distinguished patriots of that era. Later when Mr. Hewes was able to obtain a commission for the young sailor in the American Navy, the officer asked that the commission be not given to John Paul but to John Paul Jones, and the Halifax story has always been that he made this request, saying, in substance: "My name was John Paul, but out of admiration and gratitude to the men who gave me refuge and kindness and friendship in a day when I sorely needed them, my name is henceforth John Paul Jones." In the Navy Department at Washington there hangs a beautiful sword on which is the inscription: "This sword was presented to John Paul Jones by Willie Jones, of North Carolina, and is loaned to the Navy by Admiral Nicholson, whose father came into possession of it."

This interesting story or scrap of history has, of course, been questioned because neither Willie Jones nor his brother nor John Paul Jones left any scrap in proof of the incident or reason why John Paul changed his name, but if he didn't take his name from the North Carolina family, of which Willie Jones was the head, where did he get the name Jones and why did he take it? These questions have puzzled historians who have not agreed upon the answer.

The story of the organization of the new American Navy, after the failure of some of the early officers, is one of the most glorious stories in the American chapters of service afloat. Lieutenant Jones claimed to have pulled up to the masthead of the *Alfred* the first American naval flag. It was not the banner with 13 stripes but a rectangle of yellow silk bearing the picture of a rattlesnake and the legend, "Don't tread on me." This device had been previously used by the Culpeper riflemen of Virginia. Among the other contentions in the story of the life of John Paul Jones there is much of mystery and more of romance. There has been the question as to who hoisted the first American flag. Captain Barry, called by some "the father of the American Navy," laid claim to that honor as did John Paul Jones. John Adams has left on record this statement: "Both these vain boasts I know to be false. It is not decent or just that those emigrants, foreigners of the South, should falsely arrogate to themselves merit that belongs to New England sailors, officers, and men." He claimed the honor belonged to Capt. John Manly, commander of the *Lee*, which brought in four prizes. Of course, John Adams, in using the words "emigrants," "foreigners from the South," was referring to John Paul Jones. However all this may be, one thing is certain, that the first salute to the American flag was given in French waters when John Paul Jones sailed his famous ship, the *Bon Homme Richard*, into the French harbor.

The first work that John Paul Jones was ordered to do was convoy duty for ships carrying supplies for the defense of New York. He returned to Philadelphia from a successful convoy voyage three weeks after the signing of the Declaration of Inde-

pendence. Phillips Russell writes: "Joseph Hewes was now satisfied that he had made no mistake in his man. He was also convinced that this fellow had a spot of genius in him, and that he had not the temperament to endure incompetent or lackadaisical superiors. He therefore set to work to obtain for Jones a command in which his initiative would have elbowroom. Meantime Jones went to John Hancock and obtained from him, as President of the Continental Congress, confirmation of the captain's commission given to him by Hopkins. It was dated August 8, 1776, the first awarded after the Colonies had pronounced themselves to be a separate Commonwealth."

Jones proposed to Hewes that he be sent to the west coast of Africa to intercept and harass British trading ships, and was very earnest in urging upon Hewes that a naval war should be not only defensive but offensive. There was difference of opinion in the Marine Committee, but from that committee Hewes emerged with an unlimited order to Jones for a free-lance cruise to last "6 weeks or 2 or 3 months." The story of John Paul Jones is the most romantic of any sailor in the whole history of the American Navy. His early successes are told in letters which he wrote to Joseph Hewes, and he continued to write to him as long as he lived, and to regard him as his "angel of happiness."

To be sure, the day Joseph Hewes attached his name to the Declaration of Independence was the greatest day in his life, the one event that gives him immortality. If he had followed the suggestions of those friends who were slower than he to see that independence was America's destiny, Edenton would not be holding a great celebration in his honor on Thursday of this week, and no congressional monument to his memory would rise on the beautiful sward overlooking the beautiful Edenton Bay. There were men in that day who had opportunity to sign the declaration who denied themselves immortality because of doubt or fear or hostility. Hewes, as he slowly but surely came to see that independence was the destiny, had the vision in time to gain immortality and to give such service to his country after the signing of the Declaration of Independence as would have given him lasting distinction. But he would have lacked that capstone of immortality which ever surrounds the names of the men privileged to sign that immortal document.

One of the true tests of the capacity of a man called to great position is his ability to judge men and call to his assistance and to public service men who will grow into such large usefulness as to justify his faith in them. Judging by this standard, Joseph Hewes was a great man. Devoted as he was in the Continental Congress, chiefly to the building up of the young Navy that could cope with the great British Navy, he had the genius to see that John Paul Jones was a genius. Much greater than Joseph Hewes was John Adams, but John Adams lacked that vision. He saw in John Paul Jones nothing but "emigrant," "foreigner from the South," "a son of fortune," and perhaps thought of him as a murderer and little better than a pirate. Joseph Hewes had vision. He divined that in this young man was the spark of genius needing only an opportunity.

He threw to this intrepid young man the life line of opportunity. When John Paul Jones seized that life line thrown to him by Hewes and made the British stand in terror of his intrepid superiority, the names of Joseph Hewes and John Paul Jones became inseparably linked in history. There is no tradition about this; it is history. When estimating the value of the achievements of John Paul Jones it must be remembered that it was Joseph Hewes who opened the door to him, which he embraced, to frighten the British ships within an inch of their lives, to terrify the children of the British coast by scaring them with stories about John Paul Jones, the "pirate," as they called him, and to win for the American Navy in France such recognition as might not otherwise have been won. To the quiet merchant and mariner, Joseph Hewes, goes the lasting credit of having seen farther into the possibilities of that wonderful young man when John Adams could see nothing in him except a rover. Hewes was not ignorant of the history of John Paul. He knew that he had been a sailor and rover for years. John Paul had confessed the story of the killing of the man in the Tobago misfortune. He knew at first hand, but he was not the man to deny to intrepid youth, whom he realized had great ability, a second chance. One wonders indeed what might have been the history of John Paul Jones if Joseph Hewes had not seen in him, when he was unknown, what all the world came later to recognize.

Therefore, on Thursday, when the congressional monument to Hewes is unveiled in Edenton, young people will be asking, doubtless, why Hewes deserves all this honor, and there will be two answers.

First, that he signed the Declaration of Independence. That, surely, is enough honor for any man and makes him worthy of the highest tribute.

The second answer will be that Joseph Hewes gave to the young American Navy and to the world John Paul Jones. If he had done nothing else, that power to see the capabilities of a great man in an unknown youth would justify the honor that is to be paid to Joseph Hewes. To be sure, the people of Edenton and North Carolina would hold him in esteem, even if he was not held in national and international esteem for these two contributions to his country for all generations, for his business judgment, his marine enterprise, and his civic virtues.

Hewes died at the age of 49. It was said that one of the reasons why he moved South was to seek a warmer and more salubrious climate and to escape the rigors of the winters of the North, for tuberculosis early claimed him. Edenton holds in its heart the tragedy of his beautiful romance. He was said to have been engaged to Miss Isabella Johnston, daughter of Samuel Johnston. His fiancee died during their courtship, and Hewes went to his grave saddened by the wreck of his romance.

It will be a pious pilgrimage which North Carolinians and others will make this week to have a part in honoring a son who won immortality by appending his name to the Declaration of Independence.

EXTENSION OF REMARKS

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a short letter from the supervisor of postal employees of the State of Alabama protesting the salary reduction for postal employees.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I would like to ask the gentleman from Illinois a question about the program for the balance of the week.

Mr. RAINEY. I will state to the gentleman that on Tuesday we will have Calendar Wednesday business. To-morrow night from 8 o'clock until 11 o'clock there will be a call of the Private Calendar; the next day, Wednesday, the legislative appropriation bill, with the Economy Committee amendments, and we expect to have night sessions Wednesday, Thursday, and Friday, in an attempt to get through with the legislative appropriation bill. On Saturday we will consider Muscle Shoals legislation. On Wednesday of this week, also, the tariff bill will be taken up under a rule, to concur in the Senate amendments.

Mr. SNELL. The gentleman is going to force the program from this time on so that there will be no question but what the House will get through with its business early in June and not have to remain here all summer?

Mr. RAINEY. Yes, sir; that is the plan.

Mr. LAGUARDIA. Of course, we have had no relief legislation yet.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3570. An act to amend the act entitled "An act confirming in States and Territories title to land granted by the United States in the aid of common or public schools," approved January 25, 1927.

ADJOURNMENT

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 26, 1932, at 12 o'clock noon.

COMMITTEE HEARINGS

Tentative list of committee hearings scheduled for Tuesday, April 26, 1932, as reported to the floor leader by clerks of the several committees:

WAYS AND MEANS

(10 a. m.)

Continue hearings on soldiers' bonus.

DISTRICT OF COLUMBIA

(10 a. m.)

Amending appropriation act relating to licenses, etc. (H. R. 5335).

Authorizing appropriation for Casualty Hospital (S. 1307; H. R. 8076).

To exempt from taxation property of Colonial Dames (H. R. 4509).

To exempt from taxation property of Sons of Revolution (H. R. 10138).

To exempt from taxation property of Daughters of 1812 (S. 1203).

(10.30 a. m.)

To amend the District Code relating to kidnaping (H. R. 10054, H. R. 10089).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KERR: Committee on Immigration and Naturalization. H. R. 6710. To repeal certain laws providing that certain aliens who have filed declarations of intention to become citizens of the United States shall be considered citizens for the purposes of service and protection on American vessels; with amendment (Rept. No. 1124). Referred to the House Calendar.

Mr. STEAGALL. Committee on Banking and Currency. H. R. 8931. A bill to amend Title II of the Federal farm loan act in regard to Federal intermediate credit banks, and for other purposes; without amendment (Rept. No. 1125). Referred to the Committee of the Whole House on the state of the Union.

Mr. McDUFFIE: Committee on Economy. H. R. 11597. A bill to effect economies in the National Government; without amendment (Rept. No. 1126). Referred to the Committee of the Whole House on the state of the Union.

Mr. BANKHEAD: Committee on Rules. H. Res. 203. A resolution making in order amendments to be offered by the Committee on Economy to H. R. 11267, the legislative appropriation bill; without amendment (Rept. No. 1127). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SWANK: Committee on Claims. H. R. 3727. A bill for the relief of Mary Elizabeth Fox; with amendment (Rept. No. 1119). Referred to the Committee of the Whole House.

Mr. CHRISTGAU: Committee on Claims. H. R. 5801. A bill for the relief of Clyde W. Edwards; without amendment (Rept. No. 1120). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 5947. A bill for the relief of John Moore; with amendment (Rept. No. 1121). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 7655. A bill for the relief of Dr. Charles T. Granger; with amendment (Rept. No. 1122). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H. R. 11461. A bill for the relief of C. N. Hildreth, jr.; without amendment (Rept. No. 1123). Referred to the Committee of the Whole House.

Mr. JONES: Committee on Agriculture. H. R. 10124. A bill for the relief of A. Zappone, disbursing clerk, United States Department of Agriculture; without amendment (Rept. No. 1128). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOWARD: A bill (H. R. 11591) to limit the salaries payable to officers and employees of national banks or banking associations in the Federal reserve system; to the Committee on Banking and Currency.

By Mr. PERKINS: A bill (H. R. 11592) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes; to the Committee on Patents.

By Mr. KNUTSON: A bill (H. R. 11593) to collect additional tonnage dues from vessels of foreign nations that default in their debts to the United States; to the Committee on Ways and Means.

By Mr. MAAS: A bill (H. R. 11594) to prohibit the sale, lease, or dismantling of certain naval vessels used for training purposes by the United States Naval Reserve; to the Committee on Naval Affairs.

By Mr. HOWARD: A bill (H. R. 11595) to amend sections 328 and 329 of the United States Criminal Code of 1910 and sections 548 an 549 of the United States Code of 1926; to the Committee on Indian Affairs.

Also, a bill (H. R. 11596) to authorize the exchange of small tribal acreage on Fort Hall Indian School Reserve in Idaho for adjoining land; to the Committee on Indian Affairs.

By Mr. McDUFFIE: A bill (H. R. 11597) to effect economies in the National Government; committed to the Committee of the Whole House on the state of the Union.

By Mr. BANKHEAD: A resolution (H. Res. 203) making in order amendments to be offered by the Committee on Economy to H. R. 11267, the legislative appropriation bill; to the Committee on Rules.

By Mr. FISH: Joint resolution (H. J. Res. 373) requesting the President to instruct the delegates to the disarmament conference for a further reduction of battleships and cruisers; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 374) creating a commission to investigate the sales of foreign securities; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLLIER: A bill (H. R. 11598) for the relief of Gottlieb Luhm, deceased; to the Committee on Military Affairs.

By Mr. CONNOLLY: A bill (H. R. 11599) granting an increase of pension to Theresa E. Herse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11600) granting a pension to Margaret M. Hooven; to the Committee on Pensions.

Also, a bill (H. R. 11601) granting a pension to Anna D. Volz; to the Committee on Pensions.

By Mr. FIESINGER: A bill (H. R. 11602) granting an increase of pension to Sarah Abbott; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 11603) granting a pension to Ella Elizabeth Ayers; to the Committee on Pensions.

By Mr. GUYER: A bill (H. R. 11604) granting a pension to Elmer B. Williams; to the Committee on Invalid Pensions.

By Mr. LICHTENWALNER: A bill (H. R. 11605) for the relief of William A. Libka; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 11606) to authorize an appropriation for the reimbursement of Stelio Vassiliadis; to the Committee on Foreign Affairs.

By Mrs. OWEN: A bill (H. R. 11607) for the relief of Harry Burton-Lewis; to the Committee on Military Affairs.

By Mr. PARSONS: A bill (H. R. 11608) granting an increase of pension to Nancy C. Austin; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 11609) for the relief of Freddie D. Venable; to the Committee on Military Affairs.

By Mr. RAMSEYER: A bill (H. R. 11610) granting an increase of pension to William H. Tullis; to the Committee on Pensions.

By Mr. TABER: A bill (H. R. 11611) granting a pension to Georgianna Davis; to the Committee on Invalid Pensions.

By Mr. WEST: A bill (H. R. 11612) granting an increase of pension to Almyra O. Humphrey; to the Committee on Invalid Pensions.

By Mr. WITHROW: A bill (H. R. 11613) for the relief of Howard A. Marshall; to the Committee on Pensions.

Also, a bill (H. R. 11614) for the relief of Mueller Motor Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7020. By Mr. ARNOLD: Petition of citizens of Pinkstaff, Ill., urging proper regulation of trucks and busses engaged in interstate traffic; to the Committee on Interstate and Foreign Commerce.

7021. By Mr. BOYLAN: Letter from the Baugh & Sons Co., Baltimore, Md., opposing Government operation of Muscle Shoals; to the Committee on Military Affairs.

7022. Also, resolution adopted by the board of directors of Dairymen's League Cooperative Association (Inc.), urging that no drastic cuts be made in appropriation for vocational training in high schools and other institutions of learning; to the Committee on Appropriations.

7023. Also, letter from the Disabled American Veterans of the World War, Chapter No. 17, Castle Point, N. Y., favoring the payment of adjusted compensation; to the Committee on World War Veterans' Legislation.

7024. Also, letter from the Brooklyn Industrial High School for Girls, Brooklyn, N. Y., opposing any reduction in the appropriation for vocational education; to the Committee on Appropriations.

7025. Also, letter from the assistant commissioner for vocation and extension education of the University of New York, Albany, N. Y., opposing any reduction in the appropriation for vocational education; to the Committee on Appropriations.

7026. By Mr. BRUNNER: Resolutions passed by the New York Department of the Reserve Officers' Association of the United States at Albany, N. Y., on April 8 and 9, 1932, opposing reduction in military appropriations, etc.; urging upon Congress to provide an appropriation sufficient to provide inactive duty and flying training for air reserve combat pilots, etc.; and favoring the inclusion in the Budget of funds sufficient to permit training of the Group 1 combat pilots of the air reserve during the fiscal year 1933; to the Committee on Appropriations.

7027. By Mr. CHAVEZ: Petition urging price stabilization on grain and cotton by farmers of McAlister, Quay County, N. Mex.; to the Committee on Agriculture.

7028. Also, petition protesting against compulsory Sunday observance, by citizens of Farmington, N. Mex.; to the Committee on the District of Columbia.

7029. Also, petition of farmers of Rio Grande Valley of Texas and New Mexico (Elephant Butte project); to the Committee on Agriculture.

7030. Also, petition of farmers of Pecos Valley, N. Mex.; the Committee on Agriculture.

7031. By Mr. CULLEN: Petition of San Antonio Chapter, No. 1, Disabled Emergency Officers of the World War, urging Congress to reaffirm the emergency officers' retirement act of May 24, 1920, as the premanent military policy of the United States; to the Committee on Military Affairs.

7032. Also, resolution of the board of directors of the Laundryowners National Association of the United States and Canada, urging that immediate steps be taken to reorganize governmental departments and bureaus on a sound economic basis to eliminate duplication of work, effort, and expense; to the Committee on Economy.

7033. By Mr. GIBSON: Petition of C. L. Allen and other residents of Windham County, Vt., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

7034. By Mr. JAMES: Telegram from Louise Tauch, twelfth district committeewoman, Marquette, Mich., favoring a tariff on copper; to the Committee on Ways and Means.

7035. Also, petition from junior high school students of Pewabic School and residents of Quincy Mining Co.'s district, Houghton County, Mich., favoring a tariff on copper; to the Committee on Ways and Means.

7036. Also, telegram from Chapter No. 24, Disabled American Veterans, of Escanaba, Mich., through Henry Breauly, commander, favoring immediate payment of balance on adjusted-service certificates; to the Committee on Ways and Means.

7037. Also, petition from Knights of Kaleva, No. 3, of South Range, Mich., through Charles Tuomela, John Juntilla, and Tauno Tervo, committee, favoring a tariff on copper; to the Committee on Ways and Means.

7038. By Mr. JOHNSON of Texas: Petition of N. L. McCullough, of College Station, Tex., opposing salary reduction of Government employees; to the Committee on Economy.

7039. Also, petition of Grady E. Davis, of College Station, Tex., opposing salary reduction of Government employees; to the Committee on Economy.

7040. Also, petition of Arthur Shepperd, N. C. Leamon, C. H. Fox, and Joe Glasscock, rural mail carriers, of Thornton, Tex., opposing legislation requiring rural carriers to take reduction in salary and also discontinuance of equipment allowance; to the Committee on Economy.

7041. By Mr. KVALE: Petition of Joseph Oien Post, No. 198, American Legion, Boyd, Minn., favoring full payment of the adjusted-compensation certificates; to the Committee on Ways and Means.

7042. Also, petition of Melvin E. Hearl Post, No. 21, American Legion, Moorhead, Minn., favoring full payment of adjusted-compensation certificates; to the Committee on Ways and Means.

7043. Also, petition of Franklin Avenue Commercial Club, Minneapolis, Minn., favoring full payment of adjusted-compensation certificates; to the Committee on Ways and Means.

7044. Also, petition of Farmers Union, Edison Township, Appleton, Minn., favoring full payment of adjusted-compensation certificates; to the committee on Ways and Means.

7045. Also, petition of William Erickson Post, No. 186, American Legion, Olivia, Minn., favoring full payment of adjusted-compensation certificates; to the Committee on Ways and Means.

7046. Also, petition of Minneapolis Bearcat Post, No. 504, American Legion, Minneapolis, Minn., favoring full payment of adjusted-compensation certificates; to the Committee on Ways and Means.

7047. Also, petition of the Minnesota section of the Society of American Foresters, protesting against any cut in Federal wages and salaries; to the Committee on Economy.

7048. Also, petition of Leon A. Williams, chairman second district rehabilitation committee for American Legion, Department of Minnesota, Slayton, Minn., protesting against legislation curtailing compensation or hospitalization of disabled veterans; to the Committee on Economy.

7049. Also, petition of American Legion Post, No. 227, Danube, Minn., protesting against legislation curtailing compensation or hospitalization of disabled veterans, and urging enactment of widows and orphans' pension bill; to the Committee on Economy.

7050. By Mr. LAMNECK: Petition of John J. Kruse, J. L. Gressel, and numerous other citizens of the city of Columbus, Ohio, protesting against the elimination of Naval Reserve training cruises and decommissioning of the U. S. S. *Wilmington* as economy measures; to the Committee on Appropriations.

7051. Also, petition of George H. Huhn, Hazel Metzger, and other citizens of the city of Columbus, Ohio, protesting against the withdrawal of appropriation for vocational-education work; to the Committee on Economy.

7052. Also, petition of Joseph Martin, John Patrick, and numerous other citizens of the city of Columbus, Ohio, protesting against the elimination of Naval Reserve training cruises and the decommissioning of the U. S. S. *Wilmington;* to the Committee on Appropriations.

7053. Also, petition of Charles Bigler, John E. Blenkner, and numerous other citizens of the city of Columbus, Ohio, protesting against the elimination of naval reserve training cruises and the decommissioning of the U. S. S. *Wilmington* as economy measures; to the Committee on Appropriations.

7054. By Mr. LINDSAY. Petition of National Casket Co., Brooklyn, N. Y., opposing the payment of the adjusted-service certificates; to the Committee on Ways and Means.

7055. Also, petition of Disabled American Veterans of the World War, Dayton Chapter, No. 9, Dayton, Ohio, opposing reduction for disabled veterans to the amount of $70,000,000; to the Committee on Economy.

7056. By Mr. McCLINTIC of Oklahoma: Petition of citizens of Hobart, Okla., protesting against the repeal, resubmission, or modification of the eighteenth amendment to the Constitution; to the Committee on the Judiciary.

7057. By Mr. NIEDRINGHAUS: Petition of 35 World War veterans of St. Louis, Mo., protesting against any cut in

compensation or any reduction in the rights now being enjoyed by disabled veterans; to the Committee on Ways and Means.

7058. Also, petition of the vocational agricultural class, Mound City, Mo., protesting against the discontinuance or suspension of Federal funds for vocational education; to the Committee on Economy.

7059. By Mr. PARKER of Georgia: Petition of Thomas L. Bailey and 38 other citizens of Georgia, urging the passage of railroad pension bill, H. R. 9891, and voicing opposition to House bill 10023 and Senate bill 3892; to the Committee on Interstate and Foreign Commerce.

7060. By Mr. RAINEY: Petition of Herschel H. Heaton and 64 members of the Jacksonville (Ill.) Chapter of the Future Farmers of America, favoring appropriations for vocational education; to the Committee on Appropriations.

7061. By Mr. RUDD: Petition of J. T. Matchett Co., Brooklyn, N. Y., opposing the proposed tax on candy; to the Committee on Ways and Means.

7062. Also, petition of Adelaide Eller, 94 Vanderveer Street, Brooklyn, N. Y., and six other citizens of the Greater City of New York, with reference to tax on fountain pens; to the Committee on Ways and Means.

7063. Also, petition of National Casket Co., Brooklyn, N. Y., opposing the payment of the soldiers' bonus; to the Committee on Ways and Means.

7064. Also, petition of George F. Arata, of New York City, favoring a tax on beer; to the Committee on Ways and Means.

7065. Also, petition of A. H. Stiehl Furniture Co., New York City, favoring the repeal of the eighteenth amendment and also legalize the sale and taxation of light wines and beer; to the Committee on Ways and Means.

7066. By Mr. SHANNON: Resolution of Tacitus E. Gaillard Post, No. 2069, Veterans of Foreign Wars, Kansas City, Mo., urging payment of adjusted-service certificates; to the Committee on Ways and Means.

SENATE

TUESDAY, APRIL 26, 1932

(Legislative day of Monday, April 25, 1932)

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

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

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 3570) to amend the act entitled "An act confirming in States and Territories title to land granted by the United States in the aid of common or public schools," approved January 25, 1927, and it was signed by the Vice President.

RAILROAD MERGERS (S. DOC. NO. 86)

The VICE PRESIDENT laid before the Senate a letter from the Attorney General, submitting, in response to Senate Resolution 173 (submitted by Mr. KING), certain information relative to recent railroad mergers and the policy of the Department of Justice with respect thereto, which was referred to the Committee on the Judiciary and ordered to be printed.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. SHEPPARD. I desire to announce that the junior Senator from Utah [Mr. KING] is absent owing to illness.

Mr. GLASS. I desire to announce that my colleague the senior Senator from Virginia [Mr. SWANSON] is still detained from the Senate in attendance upon the disarmament conference at Geneva.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present. The Senate resumes the consideration of Senate Resolution No. 199.

ALABAMA SENATORIAL CONTEST

The Senate resumed the consideration of the resolution (S. Res. 199), reported by Mr. GEORGE and Mr. BRATTON from the Committee on Privileges and Elections, as follows:

Resolved, That JOHN H. BANKHEAD is hereby declared to be a duly elected Senator of the United States from the State of Alabama for the term of six years, commencing on the 4th day of March, 1931, and is entitled to a seat as such.

The VICE PRESIDENT. Mr. Heflin is entitled to the floor for two hours.

Mr. HEFLIN. Mr. President and Senators, I am deeply grateful to the Senate for extending to me the privilege of appearing in my own behalf and discussing my contest. I shall never cease to be grateful for the kindness and the justice that has been done me in this regard.

The Master said, "Know the truth and the truth shall make you free," and Pilate asked, "What is truth?" But he would not wait for an answer.

Every contest that comes to this body ought to be carefully and thoroughly investigated. I have not had such an investigation. My rights have been denied me to close my case. I have not been permitted to take testimony in the middle portion or in the southern portion of Alabama. At Birmingham, when we went down to take testimony in January, agreeing that a commissioner might preside, it was our belief, and probably I should say our understanding, that we would take testimony for weeks. On the second day of the first week, when we had no notice that we would have to cut off the investigation for the contestant, Senator HASTINGS sent a telegram, I understand at the instance of Senator GEORGE, that we could have three more days and no more and we must close our testimony. We had to dismiss a number of witnesses that were subpœnaed for that week and we never had the opportunity to summon other witnesses in the middle and southern portions of the State.

Senator Bankhead was then given a week, and we have been denied the right of rebuttal. We have not been allowed to summon a single witness and take testimony to answer Mr. Bankhead's witnesses. Senators, I submit that such treatment of the contestant is without parallel in the history of this body. It embodies the idea of letting the contestee close the case, cutting off the contestant, saying "Your case is closed." What sort of justice is that?

We were not permitted to take the testimony regarding the primary at Birmingham, and that, as I understand, was under the instructions of Senator GEORGE. I am going to tell the Senate something about this case to-day that the Senate does not know and would not know but for my speaking here. I have always tried to be very frank and fair and honest and just, and I ask that treatment at the hands of my former comrades.

It was rumored that I would not be permitted to speak here, and three very prominent men said they would hire the biggest hall in the city for me to speak in if I was denied that right. It shows that the spirit of fair play is in our people, and it is fortunate that it is true. But I