1570. By Mr. SINCLAIR: Petition of citizens of McLean County, N. Dak., favoring disarmament, and reducing Government expenses for the Army and Navy; to the Committee on Foreign Affairs.

1571. By Mr. VARE: Memorial of the Art Workers Building and Loan Association of Philadelphia asking tax exemption on interest payments from building societies not exceeding $500; to the Committee on Ways and Means.

1572. By Mr. YOUNG: Resolution of the Farmers' Cooperative Co., of Lucerne, Ind., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1573. Also, resolution of the Farmers' Cooperative Co., of Royal Center, Ind., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1574. Also, resolution of the Grange Elevator Co., of Mishawaka, Ind., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1575. Also, resolution of the Rural Grain Co., of Weston, Ohio, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1576. Also, resolution of the Xenia Farmers' Exchange Co., of Xenia, Ohio, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1577. Also, resolution of the Gessie Grain Co., of Gessie, Ind., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1578. Also, resolution of the Farmers' Elevator Co. of Fairmont, Iowa, favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1579. Also, resolution of the Farmers' Grain Co. of Dalton City, Ill., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1580. Also, resolution of the Farmers' Elevator Co., North Manchester, Ind., favoring the enactment of legislation providing that the United States place representatives in foreign countries to collect and transmit information regarding crop and grain conditions abroad, and for other purposes; to the Committee on Agriculture.

1581. Also, petition of sundry citizens of Fredonia, N. Dak., praying for the recognition by the United States of the republic of Ireland; to the Committee on Foreign Affairs.

---

## SENATE.

### MONDAY, *June 27, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we thank Thee that all days are Thine, and Thou hast intrusted us with such holy custodianship. May we recognize our stewardship and faithfully fulfill our duty, and make every hour contribute to human good and to Thy glory. We ask in Jesus Christ's name. Amen.

The Vice President being absent, the President pro tempore took the chair.

The reading clerk proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS 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. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 1837) to amend section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 12. An act to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919;

H. R. 962. An act for the relief of the heirs of Robert Laird McCormick, deceased;

H. R. 1945. An act for the relief of E. W. McComas;

H. R. 3116. An act validating homestead entry of Mike Campbell for certain public land in Alaska;

H. R. 3250. An act to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex.;

H. R. 4620. An act for the relief of Th. Brovig; and

H. R. 5511. An act for the relief of John Cestnik, jr.

#### PETITIONS AND MEMORIALS.

Mr. McCUMBER. Mr. President, I present a petition from wounded ex-service men who fought during the war, requesting action upon the soldiers' adjusted compensation act. I ask that the petition be printed in the RECORD, without the names.

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

UNITED STATES PUBLIC HEALTH SERVICE HOSPITAL NO. 38,
*345 West Fiftieth Street, New York City.*

The Hon. Senator MCCUMBER, of North Dakota,
*Senate Office Building, Washington, D. C.*

HONORABLE SIR: Whereas we are a few of the wounded ex-service men who fought in the World War, we are extending to you a note of thanks and appreciation toward your earnest efforts and sincere devotion toward the ex-service men of the World War by fighting our battles in the Senate, trying to push through the Senate the adjusted compensation bill for veterans of the World War, and your keen sense of judgment when you explained the condition during the war period and thereafter.

As we said overseas, "Apra la Guerrie." We know as vets, and coming in contact with some more of the veterans of the World War, we need the help of the Government not in a charitable way but by the Congress executing their duty by granting either a cash bonus or a loan, by keeping both the wolf and charitable institutions away.

We understand that you have seen the light! We sincerely hope that your colleagues in the Senate will also see the need of it.

We are sincerely thanking you for your earnest and sincere devotion toward the ex-service men. We are disabled and sick ex-service men in the hospital. We are with you in all our heart and soul for a fight to the finish for passing this bill.

Let's go! Let's go!

(Eighty-seven names signed to the above letter.)

Mr. WILLIS presented sundry petitions of 360 citizens of London; 300 citizens of Lima; 383 citizens of Norwalk, Collins, Massillon, Wakeman, and Willard; and 180 citizens of Ironton, all in the State of Ohio, praying for the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by members of the Michigan-Ohio-Indiana Coal Association, protesting against the enactment of legislation to stabilize the coal industry, which was ordered to lie on the table.

Mr. LODGE presented resolutions of the pastor and sundry members of Pleasant Street Methodist Episcopal Church, of New Bedford; the Woman's Christian Temperance Union, of Shelburne Falls; the congregation of the Piedmont Congregational Church, of Worcester; Richard S. Rose, of Auburndale; and sundry citizens of Intervale, all in the State of Massachusetts, favoring the affording of relief to the imperiled peoples of the Near East, particularly of Armenia, which were referred to the Committee on Foreign Relations.

He also presented a resolution of Unit No. 12, United Veterans of the Republic, of Charlestown, Mass., favoring the maintenance of an American merchant marine, which was referred to the Committee on Commerce.

He also presented telegrams in the nature of petitions of Wendell Phillips Council, American Association for the Recognition of the Irish Republic, of Boston, and St. Bridget's Council of Nurses, of Dorchester, both in the State of Massachusetts, praying for the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

He also presented 350 petitions and letters in the nature of petitions of sundry citizens of Springfield, Charlestown, and Norwood, all in the State of Massachusetts, praying for the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

He also presented resolutions of Carpenters' Local Union No. 656, United Brotherhood of Carpenters and Joiners of North America, of Holyoke; International Brotherhood of Stationary Firemen and Oilers, of Fall River; International Brotherhood of Stationary Firemen and Oilers, of Peabody; Waist, Dress, and Petticoat Workers' Union, Local No. 49, International Ladies' Garment Workers' Union, of Boston; Lasters Local No. 100, Boot and Shoe Workers' Union, of Boston; Brotherhood of Railway Station Employees, Local Division No. 21, of Northampton; Wholesale and Retail Beverage Clerks' Union, Local No. 853, of Boston; Stone Masons and Setters' Local Union No. 9, of Boston; Bunker Hill Lodge No. 1099, Brotherhood of Railway Clerks, of Boston, all in the State of Massachusetts, favoring the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

He also presented resolutions of the First Baptist Church, Watertown; the First Methodist Episcopal Church, Winchendon; the Central Congregational Church, Chelsea; the First Unitarian Church, Peabody; the Congregational Church, East Longmeadow; the Trinitarian Congregational Church, North Andover; the Evangelical Congregational Church, Boxborough; the Central Baptist Church, Southbridge; the Congregational Church, Middleton; Follen Church, East Lexington; the Foreign Policy Association of Massachusetts; the First Baptist Church, Wakefield; the Methodist Church, Spencer; the First Congregational Church, Sutton; the Lincoln Park Baptist Church, West Newton; the Church of the Disciples, Boston; the Blue Hill Evangelical Society, Readville, all in the State of Massachusetts, favoring the calling of an international disarmament conference by the President, which were referred to the Committee on Foreign Relations.

Mr. CAPPER presented telegrams in the nature of petitions of Post No. 1, American Legion, of Topeka; Commander Herbert Foster, of Satanta; Post Commander H. J. Knubsen, of Argonia; Arkansas City Post, American Legion, of Arkansas City; and Fred Hutchinson Post, American Legion, of Mulberry, all in the State of Kansas, praying for the enactment of legislation providing adequate relief for ex-service men, which were ordered to lie on the table.

He also presented a resolution of Seward-Ayars Post, No. 16, American Legion, of Neodesha, Kans., protesting against the reported action of United States Chamber of Commerce in opposing proposed legislation to provide adjusted compensation to veterans of the World War, which was ordered to lie on the table.

He also presented a resolution adopted by the Scott County Sunday School Association, at its convention held at Scott City, Kans., June 6, 1921, favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution of the pastor and congregation of the Church of Christ, of Neodesha, Kans., favoring the calling of an international disarmament conference, which was referred to the Committee on Foreign Relations.

He also presented resolutions of the congregation of the First Presbyterian Church, of Winfield; and the pastor and congregation and Brotherhood Sunday School Class, of the First Methodist Episcopal Church, of Winfield, both in the State of Kansas, favoring the enactment of legislation strengthening the so-called Volstead prohibition act, which were referred to the Committee on the Judiciary.

### REPORTS OF COMMITTEES.

Mr. DILLINGHAM, from the Committee on Immigration, to which was referred the joint resolution (H. J. Res. 153) permitting the admission of certain aliens who sailed from foreign ports on or before June 8, 1921, and for other purposes, reported it without amendment.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 490) to consolidate national forest lands, reported it with an amendment, and submitted a report (No. 175) thereon.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (S. 777) for the relief of John M. Green, reported it with an amendment and submitted a report (No. 176) thereon.

Mr. CAMERON (for Mr. WADSWORTH), from the Committee on Military Affairs, to which was referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1541) for the relief of J. P. D. Shiebler (Rept. No. 177); and

A bill (H. R. 1475) providing for a grant of land to the State of Washington for a biological station and general research purposes (Rept. No. 178).

Mr. BURSUM, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 920) for the consolidation of forest lands in or near National Forests, N. Mex., and for other purposes, reported it with an amendment and submitted a report (No. 179) thereon.

He also, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 1853) to provide for a compact commission between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, and between said States and the United States, respecting the disposition and utilization of the waters of the Colorado River for irrigation and other uses, and for other purposes, reported it with amendments and submitted a report (No. 180) thereon.

Mr. NEW, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 5756) to amend an act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for these islands," approved August 29, 1916, reported it with amendments, and submitted a report (No. 181) thereon.

He also, from the Committee on Military Affairs, to which was referred the bill (S. 1880) providing for the appointment of Warrant Officer Herbert Warren Hardman as captain in the Quartermaster Corps, United States Army, to take rank under the provisions of section 24a of the act of Congress approved June 4, 1920, reported it with amendments and submitted a report (No. 182) thereon.

### PUBLIC BUILDING AT SEWARD, ALASKA.

Mr. NEW. From the Committee on Territories and Insular Possessions I report back favorably without amendment the bill (H. R. 5222) to provide for the retention by the Government of the property in Seward, Alaska, known as the Alaska Northern Railway Office Building, and its use for court purposes. I ask for the immediate consideration of the bill. It involves nothing more than the transfer of a public building from one department of the Government to another.

Mr. CURTIS. Does the Senator think it will involve any debate?

Mr. NEW. I do not think it will take a minute. The Secretary of the Interior writes that the building referred to in the bill is in the possession of the Alaskan Engineering Commission, which commission is now bearing the expense of upkeep. The commission no longer desires the building for railroad purposes, it being occupied by the Department of Justice, which department is anxious to obtain full possession.

Mr. CURTIS. I have no objection to the passage of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

*Be it enacted, etc.*, That the property commonly known as the Alaska Northern Railway Office Building, being situated on lots 16 to 20, inclusive, in block 16, of the town of Seward, Alaska, which was acquired by the United States under the provisions of the act of March 12, 1914, entitled "An act to authorize the President of the United Sates to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," shall not be sold under the provisions of the act of July 1, 1916, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes," or other like acts, but shall be retained by the United States for use by the officials of the United States district court and the Department of Justice.

The Secretary of the Interior is authorized to transfer the custody of said building to the Attorney General for use as above indicated.

All laws or parts of laws to the extent they are in conflict with the provisions of this act are repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NEW. I ask to have printed in the RECORD the letter from the Secretary of the Interior to which I referred.

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

DEPARTMENT OF THE INTERIOR,
*Washington, June 23, 1921.*

Hon. HARRY S. NEW,
*Chairman Senate Committee on Territories and Insular Possessions, United States Senate.*

MY DEAR SENATOR: On May 16 the House of Representatives passed H. R. 5222, a bill "to provide for the retention by the Government of the property in Seward, Alaska, known as the Alaska Northern Railway Office Building, and its use for court purposes." On May 17 this bill was read in the Senate and referred to your committee.

The office building referred to in this bill is in the possession of the Alaskan Engineering Commission, which commission is now bearing the expense of up-keep. The commission no longer desires the building for railroad purposes, and it is being occupied by the Department of Justice, which department is anxious to obtain full possession.

It would be greatly appreciated if steps were taken toward an early passage of this bill, in order that the Alaskan Engineering Commission may be relieved of the expense and that the Department of Justice may have full possession.

Respectfully,

ALBERT B. FALL, *Secretary.*

BILLS INTRODUCED.

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

By Mr. SHEPPARD:

A bill (S. 2152) to authorize the President, on recommendation of the Secretary of Agriculture, to accept lands donated to the United States as preserves or refuges for wild birds and animals, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 2153) authorizing the owners of the steamship *Texas* to bring suit against the United States of America (with accompanying papers); to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 2154) making appropriation for reimbursement of the Lidgerwood Milling Co., of Lidgerwood, N. Dak., and for other purposes (with accompanying papers); to the Committee on Finance.

A bill (S. 2155) authorizing and directing the Secretary of State to examine and report upon the claim of the Wales Island Packing Co.

Mr. McCUMBER. I ask that the bill be referred to the Committee on Foreign Relations.

Mr. OVERMAN. Mr. President, that bill has been before the Committee on Claims for at least 20 years. I remember that it was referred to me as a subcommittee at one time, and the committee reported unfavorably upon it. Since that time it has been referred to others, and the committee has reported unfavorably. Why it should be sent to the Committee on Foreign Relations when it was before the Committee on Claims so long I can not understand.

Mr. SMOOT. I know that when I was a member of the Committee on Claims the bill was before that committee, and was reported adversely. That was about 14 years ago.

The PRESIDENT pro tempore. The Chair suggests that the Senator from North Dakota requested that it be referred to the Committee on Foreign Relations.

Mr. McCUMBER. I am not particular where it goes. I wish to have it referred to the appropriate committee.

Mr. OVERMAN. If the Senator has no good reason for sending it to the Committee on Foreign Relations, I move that it be referred to the Committee on Claims.

Mr. McCUMBER. That is satisfactory to me, but before there is any action taken by that committee I would respectfully ask that I may have an opportunity to be heard.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina to refer the bill to the Committee on Claims.

The motion was agreed to.

By Mr. McCUMBER:

A bill (S. 2156) granting a pension to Augusta Baumann;

A bill (S. 2157) granting a pension to Vicilla Bullock (with accompanying papers); and

A bill (S. 2158) granting an increase of pension to Florence E. Foster; to the Committee on Pensions.

By Mr. McKINLEY:

A bill (S. 2159) for the relief of Capt. Guy R. Hartrick (with accompanying papers); to the Committee on Military Affairs.

By Mr. PENROSE:

A bill (S. 2160) providing for an additional district judge for the eastern district of Pennsylvania (with accompanying papers); to the Committee on the Judiciary.

A bill (S. 2161) for the relief of John L. O'Mara; to the Committee on Military Affairs.

A bill (S. 2162) granting a pension to Agnes Gibbons (with accompanying papers); and

A bill (S. 2163) granting an increase of pension to William A. Winn (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 2164) for the creation in the District of Columbia of the office of moving-picture censor and the appointment of such an official, and prescribing his duties and compensation and for the censorship of moving pictures in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WALSH of Massachusetts:

A bill (S. 2165) granting a pension to Mary C. F. Warren; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 2166) granting certain lands to the city of Watertown, S. Dak., for a public park; to the Committee on Public Lands and Surveys.

By Mr. SMITH:

A bill (S. 2167) to amend the act approved March 4, 1911, entitled "An act for the establishment of marine schools, and for other purposes"; to the Committee on Naval Affairs.

A bill (S. 2168) for the relief of Jesse C. Dennis and William Rhett Eleazer; to the Committee on Post Offices and Post Roads.

By Mr. WALSH of Montana:

A bill (S. 2169) authorizing the Secretary of the Treasury to pay the Columbus Hospital, Great Falls, Mont., for the treatment of disabled Government employees (with accompanying papers); to the Committee on Claims.

By Mr. McNARY:

A bill (S. 2170) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States; to the Committee on Irrigation and Reclamation.

AMENDMENT TO SEASONAL COAL RATE BILL.

Mr. REED submitted an amendment intended to be proposed by him to the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal, which was ordered to lie on the table and to be printed.

FEDERAL LAND BANKS.

Mr. CURTIS. I ask that the action of the House of Representatives on Senate bill 1837 be laid before the Senate.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1837) to amend section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act, which was to strike out all after the enacting clause and insert:

That section 32 of the Federal farm loan act, approved July 17, 1916, as amended, is hereby amended by adding after the first paragraph a new paragraph to read as follows:

"Until such time as the aggregate paid-in capital stock of the 12 Federal land banks shall be $50,000,000 or more, the Secretary of the Treasury may in his discretion make deposits in addition to those authorized by the preceding paragraph, to be secured, redeemed, and paid in the same manner as provided in such paragraph, except that any additional deposit made hereunder shall be called by the Secretary of the Treasury and redeemed by the bank or banks holding the same, within 15 days after the conclusion of each general offering of farm loan bonds by such bank or banks. The aggregate of such additional deposits outstanding at any time shall not exceed the difference between the aggregate paid-in capital stock of the 12 Federal land banks on the last day of the preceding month and the sum of $50,000,000. The certificates of indebtedness issued to the Secretary of the Treasury by the Federal land bank for such additional deposits shall bear a rate of interest not exceeding by more than one-half of 1 per cent per annum the rate borne by the last bond issue of the land bank receiving such deposits."

Mr. CURTIS. I move that the Senate concur in the House amendment.

Mr. SMITH. Mr. President, I wish to ask the Senator from Kansas to what extent the amount provided for by the Senate in the bill has been reduced by the House?

Mr. CURTIS. The Senate provided for $44,000,000 additional. The House reduced the amount to the difference between the actual paid-in capital stock and $50,000,000, which would limit it to between $24,000,000 and $26,000,000, and they add $6,000,000 to that, which would make about $30,000,000 additional. I have talked with all the members of the Farm Loan Board and they are so anxious because of the emergency to have the bill passed this morning, if possible, that they say they are satisfied they can get along with it as passed by the House.

Mr. SMITH. The members of the Farm Loan Board are of opinion that the amount provided for in the House amendment to the bill is sufficient to meet the emergency?

Mr. CURTIS. They thought so.

The PRESIDENT pro tempore. The Chair is of the opinion that the bill can only be taken up by unanimous consent. Is there objection to the present consideration of the bill? The Chair hears none. The Senator from Kansas moves that the Senate concur in the amendment of the House of Representatives.

Mr. HARRISON. As I recall the provisions of the bill, there was $50,000,000 appropriated by the Senate.

Mr. CURTIS. It would be $46,000,000 as the bill passed the Senate.

Mr. HARRISON. As I recall, it passed practically unanimously.

Mr. CURTIS. There was only a little opposition to it.

Mr. HARRISON. The House has cut the amount down to $25,000,000.

Mr. CURTIS. About $25,000,000, and $6,000,000 additional, which would be $31,000,000, allowing $31,000,000 instead of $44,000,000.

Mr. HARRISON. And now the Senator states that he has a communication from the authorities saying that they are willing and hope it will pass in the form in which it passed the House, feeling that that is the best they can get and that they can not get more, I imagine.

Mr. CURTIS. The amount might be increased if the bill went to conference, but they feel that they can get along with this amount if the bill is passed immediately, and they would rather have the bill passed to-day than to have it go to conference, with the consequent delay that would take place.

Mr. HARRISON. They would prefer the Senate proposition to the bill as passed by the House?

Mr. CURTIS. They did want to have the Senate proposition amended somewhat, but I believe it is better to pass it as the House has passed it than to send it to conference.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 12. An act to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919; to the Committee on Revision of the Laws.

H. R. 962. An act for the relief of the heirs of Robert Laird McCormick, deceased; to the Committee on Claims.

H. R. 1945. An act for the relief of E. W. McComas;

H. R. 3116. An act validating homestead entry of Mike Campbell for certain public land in Alaska; and

H. R. 3250. An act to authorize the Secretary of Commerce to convey to Augustus S. Peabody certain land in Galveston County, Tex.; to the Committee on Public Lands and Surveys.

H. R. 4620. An act for the relief of Th. Brovig; to the Committee on Claims.

H. R. 5511. An act for the relief of John Cestnik, jr.; to the Committee on Public Lands and Surveys.

THE CALENDAR.

The PRESIDENT pro tempore. The calendar is in order under Rule VIII.

The bill (S. 656) to create a bureau of aeronautics in the Department of the Navy was announced as the first business on the calendar.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 1021) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii was announced as next in order.

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

Mr. OVERMAN. The Senator from Montana [Mr. WALSH], who is interested in the bill, is not present at this moment. The Senator from New York [Mr. WADSWORTH] was to furnish him certain information. As neither of the Senators is on the floor at this time, I think the bill ought to go over for that reason only.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge was announced as next in order.

Mr. KELLOGG. Let that go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. SMOOT. Let that bill go over.

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

The bill (S. 724) for the relief of Henry J. Davis was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 725) for the relief of Orion Mathews was announced as next in order.

Mr. KING. Let this bill go over.

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

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

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

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

Mr. SMOOT. Let the bill go over.

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

The bill (S. 659) to create a Federal live stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 425) fixing the salaries of certain United States attorneys and United States marshals was announced as next in order.

Mr. PENROSE. Let the bill go over.

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

The bill (S. 205) relating to the fiscal system of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

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

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. LA FOLLETTE. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

The joint resolution (S. J. Res. 12) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. KING. Let the joint resolution go over.

The PRESIDENT pro tempore. It will be passed over.

AMENDMENT OF FEDERAL RESERVE ACT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 831) to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act, which was read as follows:

*Be it enacted, etc.*, That the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act be amended as follows:

Strike out all after the word "than" in the sixth line of said proviso and insert in lieu thereof the following:

"That which could be borrowed lawfully from such State bank or trust company were it a national banking association," so that said proviso when amended shall read as follows:

"*Provided, however*, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than that which could be borrowed lawfully from such State bank or trust company were it a national banking association."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND RESOLUTIONS PASSED OVER.

The bill (S. 387) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes was announced as next in order.

Mr. ASHURST. Mr. President, a bill similar to the one the title of which has just been stated at the desk has passed the

House of Representatives and is now on the calendar. I ask, therefore, that Senate bill 387 be indefinitely postponed.

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

The bill (S. 1890) authorizing the Secretary of Commerce to establish in the National Bureau of Standards a division to be known as the division of construction and housing was announced as next in order.

Mr. KING and Mr. PENROSE. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDENT pro tempore. The resolution will go over.

The bill (S. 1855) to save daylight in the District of Columbia was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1838) to amend section 4887 of the Revised Statutes relating to patents was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

A bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. KING. That bill will take some time to consider. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 136) for the relief of Dr. O. H. Tittmann, former superintendent of the United States Coast and Geodetic Survey, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 665) to provide for free tolls for American ships through the Panama Canal was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

INTERNAL REVENUE COLLECTION DISTRICTS.

The bill (S. 2051) to amend section 3142 of the Revised Statutes to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74 was announced as next in order.

The reading clerk proceeded to read the bill.

Mr. KING. Let that bill go over.

Mr. PENROSE. Mr. President, I know the Senator from Utah can object to the consideration of this bill, but if it is to be passed at all it should be considered and passed before the end of the present fiscal year. Does the Senator intend to persist in his objection toward the defeat of the measure?

Mr. KING. Yes, Mr. President. I think the bill extravagant and unnecessary.

Mr. PENROSE. I know that the Senator from Utah is a profound financier and is thoroughly familiar with the workings of the Treasury Department. I hesitate very much to disagree with him. No one may listen to him speak at length on an innumerable variety of subjects without being impressed with his knowledge. So when he says he thinks the bill extravagant and unnecessary I am impressed; but if that is his attitude, I shall undertake at the proper time to move the consideration of the bill.

Mr. KING. The sarcasm of the Senator from Pennsylvania does not deter me from insisting on my objection.

Mr. PENROSE. I am not speaking sarcastically; I am endeavoring to speak truthfully, however far I may fail of the mark.

The PRESIDENT pro tempore. Being objected to, the bill goes over.

HAWAIIAN FRANCHISES.

The bill (S. 2062) granting a franchise for the purpose of manufacturing and supplying gas and electric current in the districts of Wailuku and Makawao, county of Maui, Territory of Hawaii, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I ask that that bill and the five succeeding bills be passed over.

Mr. NEW. I hope the Senator from Wisconsin will not insist upon that objection.

Mr. LA FOLLETTE. I desire to examine the bills to which I have referred, and I have not had the opportunity to do so since the calendar was last called. I have collected those bills together with the reports accompanying them; I have taken them to my committee room, and I want an opportunity to go over them carefully. I shall have to insist upon my objection to their consideration until I can have that opportunity.

The PRESIDENT pro tempore. The bill the title of which has been stated, on the objection of the Senator from Wisconsin, will go over, as will also the five succeeding bills on the calendar, to which the Senator from Wisconsin objects.

The bills referred to are as follows:

A bill (S. 2063) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the district of Hamakua, on the island of Hawaii, Territory of Hawaii;

A bill (S. 2064) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli, in the district of Kawaihau, on the island and county of Kauai, Territory of Hawaii;

A bill (S. 2065) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hana, on the island of Maui, Territory of Hawaii;

A bill (S. 2066) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the districts of North and South Hilo and Puna, in the county of Hawaii, Territory of Hawaii; and

A bill (S. 2067) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii entitled "An act to amend an act entitled 'An act to authorize and provide for the construction, maintenance, and operation of a street railway or railways in the district of Honolulu, island of Oahu,' enacted by the Legislature of the Republic of Hawaii July 7, 1898, and granting a franchise to the Honolulu Rapid Transit & Land Co. to operate a street railway in the district of Honolulu, providing for the operation of the same, and providing for the purchase of the same by the city and county of Honolulu."

CHANGE OF NAME OF GRAND RIVER, COLO.

The joint resolution (H. J. Res. 32) to change the name of the Grand River in Colorado and Utah to the Colorado River, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment.

Mr. BRANDEGEE. Let the joint resolution go over, Mr. President.

The PRESIDENT pro tempore. The joint resolution will go over.

ALFRED CLUFF AND OTHER SETTLERS AT FORESTDALE, ARIZ.

The bill (S. 391) for the relief of Alfred Cluff and certain other settlers at Forestdale, Apache County, Ariz., who were evicted from their homes by reason of a change in the location of the north boundary of the White Mountain or San Carlos Apache Indian Reservation, was announced as next in order.

Mr. ASHURST. Mr. President, it is true that this bill has heretofore twice passed the Senate, but I have sent a copy of the report on the bill, which is very voluminous, to a number of Senators who have advised me that they have not yet had an opportunity to read it, the report consisting of about 50 pages. I therefore ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

HOMESTEADS IN HAWAII.

The bill (S. 1881) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian Homes Commission, and for other purposes, was announced as next in order.

Mr. NEW. Mr. President, this bill is known as the Hawaiian rehabilitation bill, and there are peculiar reasons why it should have immediate consideration. Under existing law the lands which are mentioned in the bill and which by its terms are set aside for homesteading by the Hawaiian people are eligible under the general homestead laws for homestead entry by anybody. Unless this bill is passed now and its benefits given to the Hawaiian people I think it manifest that some of these lands, many of them, perhaps, will be homesteaded by others and the Hawaiians probably forever deprived of any opportunity to homestead them.

I wish to say in connection with the bill that it was before the last Congress, not in exactly its present form but in practically the same form. The general object of the bill which was passed by the last House was the same as the general object of the pend-

ing measure. After its passage by the House it came to the Senate, and a delegation from Hawaii, which included Gov. McCarthy, the attorney general of Hawaii, several members of the Hawaiian Legislature, representatives of the Hawaiian Chamber of Commerce at Honolulu, and various other persons, came to Washington to urge its passage. In opposition to it there came certain gentlemen who represented what was known as the Parker Ranch and what was known as the Raymond Ranch. The Parker Ranch is the larger of two big ranches and now controls, either by ownership or lease, about 325,000 acres of land. They opposed the passage of the bill and its consideration was held up in the Senate.

The Hawaiian Legislature then asked that the Hawaiian Representative in Congress return to Honolulu and explain to them the character of the objections interposed to the bill when it was considered by the American Congress. Mr. KALANIANAOLE went to Hawaii and explained to them the nature of the objections which had been raised. This bill has been modified to meet those objections as nearly as may be and this bill has passed the Hawaiian Legislature. It passed the Hawaiian Senate unanimously and passed the Hawaiian House of Representatives by a vote of 26 to 4. The pending measure has the indorsement of the outgoing governor, Mr. McCarthy, and the approval of the incoming governor, Mr. Farrington. The bill has been examined by the Interior Department, and on Saturday I personally talked with the Secretary of the Interior, who gave the bill his approval. So far as I know there has been no objection to it except as I have indicated.

I neglected to say that the Parker Ranch interests at the hearing the other day were represented here by Mr. George McK. McClellan, who was formerly secretary of the Chamber of Commerce of Honolulu. He came here as representing the Parker Ranch interests and had written authority to do so. He did represent them before our committee and the amendments which he offered were accepted.

All objection was then by him withdrawn to the bill. Since that time and since the committee has reported the bill favorably the committee has been in receipt of a protest from representatives of the Parker Ranch, who say that Mr. McClellan did not have the authority to represent them, despite the fact that Mr. McClellan's authority, as I have said, was presented to the committee in writing, and who protest the passage of the bill and ask that action on it be suspended until a delegation from Congress can go to Hawaii and make a full investigation of the matter.

Mr. President, that will require months, as everybody knows. In the meantime, as I have said, under the operation of law the lands which are now under lease, the leases on which expire on the 30th of June, will become eligible to general homestead entry. I can only cite as an evidence of what will probably become of them if the 30th of June is allowed to come without the passage of this bill by stating that at the last drawing 31 homesteads were allotted, 17 of which went to aliens and the others scattering, no Hawaiian, however, coming in for a single one of the homesteads.

I shall be glad to say anything that may be called for in further explanation of the measure, but I think it ought to have present consideration.

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

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Utah?

Mr. NEW. Yes.

Mr. KING. As I understand the measure, I am in hearty accord with its provisions. I wish to inquire of the Senator, though, whether provision was made in this bill to prevent the carving up of these very valuable sugar lands and subjecting them to homestead entry?

Mr. NEW. The sugar lands are not opened to homestead entry under this bill. They are not withdrawn, but under the operation of this bill the process is that agricultural lands are made available for homesteads.

Mr. KING. Oh, I understand that; but the point I had in mind was this: When I was in Hawaii a short time ago I made a rather exhaustive investigation concerning the sugar lands, and a policy seemed to have been adopted by which those valuable sugar lands were to be carved up into small homesteads, and ultimately, after they had been homesteaded, the result would be that they would get back into the hands of a few individuals.

Mr. NEW. Yes.

Mr. KING. Those were really the prime assets which the Territory had to meet its obligations. It then had obligations and of necessity it will have obligations in the future, and I felt that some method ought to be adopted to conserve those valuable sugar lands as an asset.

Mr. NEW. The Senator is eminently correct. If they were subjected to the carving process, the value of the sugar lands of Hawaii and that of the Territory as a sugar producer would be utterly destroyed.

Mr. KING. Then, if it does not embrace the sugar lands, I think the measure is very wise and ought to go through.

Mr. SMOOT. Mr. President, I just want to say this to the Senate: I appeal to the Senate to pass this bill now for the relief of the Hawaiian people. There are only a few thousand of them left. I think the Hawaiian people should have the advantage of the land affected by the pending bill.

I am perfectly aware that the Parker Ranch people will always object to any legislation that will deprive them of the great advantages that they have enjoyed for the last 50 years, paying nothing to speak of in rents for the three hundred and odd thousand acres of land out of the comparatively few acres of land in those islands. The passage of this bill, after taking care of the Hawaiian people mentioned in the bill, will mean, through the leasing of valuable sugar lands by the Hawaiian government, a revenue of something like $700,000 per annum from a source from which they have had no revenue to speak of in the past.

The Senator from Indiana has well said that this bill ought to become law before the 1st day of July. If not, some of the lands are going to pass out of the hands of the United States, and perhaps ultimately the most valuable of the lands involved will revert to the hands of the Parker Ranch and the other people that have enjoyed the benefits of them first granted years ago by the King.

I hope the bill will pass.

Mr. JOHNSON. Mr. President, I am by no means opposed to this bill. I do not wish to be in the attitude of even suggesting opposition to it. I think that I am in accord with what the Senator from Indiana has said; but it happens that I am to-day in receipt of a very lengthy telegram from a constituent who protests very bitterly against the bill, and says that he has a representative on the way, who will arrive here on the 29th. Under those circumstances, I think that this representative ought to be given the opportunity to present his objections. I ask nothing more than that.

I object to the present consideration of the bill because of this telegram from my constituent, and not because of a personal opposition at all.

Mr. NEW. Mr. President, as I have tried to set forth, the reason for immediate consideration lies in the fact that on the 30th of this month these lands, under the operation of the present law, become eligible for general homesteading. I do not know the gentleman who sends this telegram to the Senator from California. The Senator from California has told me that he did not identify him. Perhaps he has identified him since I talked with him before. The Delegate from Hawaii is on the floor, and has told me that he does not know who this gentleman is. The representatives of the Parker Ranch, the Raymond Ranch, and everybody who has any kind of objection to urge to this bill, have already been heard, and have been heard at great length, before two sessions of Congress.

I submit, Mr. President, that it is hardly good faith with the committee for them to ask now that consideration of the bill be withheld until the afternoon of the last day before the damage is done, if damage is to be done, through the failure of this bill to pass. They have had every opportunity to be heard. They have been notified and have had their representatives present. I have cabled them myself. I have done everything in the world I could to give them every opportunity here to present their case, and they have taken the fullest advantage of that opportunity.

Mr. JOHNSON. Mr. President, I tried to make very plain the theory upon which my objection was made. Possibly I did not succeed. I am not opposed to the bill; but with a telegram like that which I hold in my hand from a constituent of mine, saying that he has a representative coming here and that he will be here on the 29th, I could do nothing else than object in order that he may be given a hearing. This is not a personal objection to the bill at all, I repeat, because I think personally I shall favor it.

It is all poppy-cock to talk about immediate haste in connection with a bill that is presented here to-day; but there is another method by which it may be brought up, and that is by regular motion, in which the Senator doubtless could prevail upon the facts that he asserts; and then, so far as my objection having been made is concerned, I have done all that I could.

But here is the telegram, and I will read it into the RECORD merely in justice to the man who signs it, and for no other reason. He is entitled to be heard like any other man:

Hwaiian rehabilitation bill comes up Senate June 27. Title of bill is pure camouflage for big interests in Hawaii to secure complete monopoly of Hawaiian government lands. Similar bill was presented once before with approval local legislature, which was utterly discredited by public of Hawaii. In the interests of all taxpayers of the Territory this bill should not pass. It repeals clause in organic act limiting land holdings to 1,000 acres. Present homesteading laws give Hawaiians greater opportunities for rehabilitation, as they afford them opportunities of acquiring good lands for agricultural purposes which under this proposed bill will be entirely monopolized by big interests. Nobody really believes that rehabilitation will be anything but costly failure, and the scheme is condemned as vicious class legislation based on deliberate misrepresentation of facts. The proposed legislation is so insidious and far-reaching Senate ought not to act without careful investigation on the ground. Therefore suggest appointment of subcommittee go to Hawaii. No injury can result from delay. G. J. Waller, jr., arrives Washington 29th. Have given him letter to you.

CHARLES REDDY.

I present this telegram. It comes from San Francisco, from a constituent. Personally, I am not opposed to the bill. I believe, however, that any man who presents matters of that sort is entitled to be heard.

Mr. NEW. Mr. President, I do not at all misunderstand the Senator from California. What he says is all right, but I submit that there is the grossest misstatement of fact contained in this telegram. The sender of the telegram says this bill was before Congress before, and that since that time it has been utterly discredited in Hawaii. Why, nothing could be further from the truth than that. It has been back to Hawaii. It has since passed the Hawaiian Senate by a unanimous vote. It passed the house of representatives by a vote of 26 to 4. It has had the approval of all these gentlemen who have been here within the last few days, and some of whom are still here, and is agreed to by the representatives of the very interests that, I presume, Mr. Reddy represents before the Committee on Territories and Insular Possessions.

In view of these facts, Mr. President, and without the slightest disposition to take radical issue with the Senator from California—he and I, I think, are in full understanding on this matter—I move that the Senate proceed to the consideration of this bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1881) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian Homes Commission, and for other purposes, which had been reported from the Committee on Territories and Insular Possessions with amendments.

The PRESIDENT pro tempore. The amendments proposed by the committee will be stated.

The first amendment was, on page 4, line 22, to strike out "Keaaupaha" and insert "Keaaukaha."

The amendment was agreed to.

The next amendment was, on page 6, line 19, after the word "except," to insert "by further authorization of Congress and," so as to make the paragraph read:

(1) For a period of five years after the first meeting of the Hawaiian Homes Commission only those lands situate on the island of Molokai, which are particularly named in paragraphs 1 and 3 of section 203 hereof; Waimanu, in the district of Hamakua; Keaaukaha, in the district of South Hilo; and Panaewa, Waiakea, in the district of South Hilo, island of Hawaii, shall be available for use and disposition by said commission under the provisions of this title, and none of the remaining available lands named in said section 203 shall, after the expiration of the said 5-year period, be leased, used, or otherwise disposed of by the commission under the provisions of this title, except by further authorization of Congress and with the written approval of the Secretary of the Interior of the United States.

The amendment was agreed to.

The next amendment was, on page 7, line 20, after the word "within," to strike out "two" and insert "three," so as to make the paragraph read:

(3) In case any land is to be selected by the commission out of a larger area of available lands, such land shall not assume the status of Hawaiian home lands until the commission, with the approval of the Secretary of the Interior, makes the selection and gives notice thereof to the commissioner of public lands. The commission shall give such notice within three years after the expiration of the 5-year period referred to in paragraph 1 of this section. Any such notice given thereafter shall be deemed invalid and of no effect.

The amendment was agreed to.

The next amendment was, on page 25, line 1, after the word "roads," to strike out "street" and insert "streets," so as to make the paragraph read:

(3) The term "public lands" includes all lands in the Territory of Hawaii classed as government or crown lands previous to August 15, 1895, or acquired by the Government upon or subsequent to such date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner; except (1) lands designated in section 203 of the Hawaiian homes commission act, 1920, (2) lands set apart or reserved by Executive order by the President, (3) lands set aside or withdrawn by the governor under the provisions of subdivision (g) of this section, (4) sites of public buildings, lands used for roads, streets, landings, nurseries, parks, tracts reserved for forest growth or conservation of water supply, or other public purposes, and (5) lands to which the United States has relinquished the absolute fee and ownership, unless subsequently placed under the control of the commissioner and given the status of public lands in accordance with the provisions of this act, the Hawaiian homes commission act, 1920, or the Revised Laws of Hawaii of 1915; and

The amendment was agreed to.

The next amendment was, on page 27, line 6, after the word "any," to strike out "irrigated," so as to make the paragraph read:

(d) No lease of agricultural lands or of undeveloped arid public land which is capable of being converted into agricultural land by the development, for irrigation purposes, of either the underlying or adjacent waters, or both, shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than 15 years. Each such lease shall be sold at public auction to the highest bidder after due notice as provided in subdivision (h) of this section and the laws of the Territory of Hawaii. Each such notice shall state all the terms and conditions of the sale. The land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes, in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn. Every such lease shall contain a provision to that effect: *Provided*, That the commissioner may, with the approval of the governor and at least two-thirds of the members of the land board, omit such withdrawal provision from the lease of any lands suitable for the cultivation of sugar cane whenever he deems it advantageous to the Territory of Hawaii. Land so leased shall not be subject to such right of withdrawal.

The amendment was agreed to.

The next amendment was, on page 27, line 21, after "May 27," to strike out "1915" and insert "1910," so as to make the paragraph read:

(f) No person shall be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement who, or whose husband or wife, has previously taken or held more than 10 acres of land under any such certificate, lease, or agreement made or issued after May 27, 1910, or under any homestead lease or patent based thereon; or who, or whose husband or wife, or both of them, owns other land in the Territory the combined area of which and the land in question exceeds 80 acres; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law. No person who has so declared his intention and taken or held under any such certificate, lease, or agreement shall continue so to hold or become entitled to a homestead lease or patent of the land, unless he bacomes a citizen within five years after so taking.

The amendment was agreed to.

The next amendment was, on page 28, line 8, after "May 27," to strike out "1915" and insert "1910," so as to make the paragraph read:

(g) No public land for which any such certificate, lease, or agreement is issued after May 27, 1910, or any part thereof, or interest therein or control thereof, shall, without the written consent of the commissioner and governor, thereafter, whether before or after a homestead lease or patent has been issued thereon, be or be contracted to be in any way, directly or indirectly, by process of law or otherwise, conveyed, mortgaged, leased, or otherwise transferred to, or acquired or held by or for the benefit of, any alien or corporation; or before or after the issuance of a homestead lease or before the issuance of a patent to or by or for the benefit of any other person; or, after the issuance of a patent, to or by or for the benefit of any person who owns, or holds, or controls, directly or indirectly, other land or the use thereof, the combined area of which and the land in question exceeds 80 acres. The prohibitions of this paragraph shall not apply to transfers or acquisitions by inheritance or between tenants in common.

The amendment was agreed to.

The next amendment was, on page 36, line 7, after the word "thereof," to strike out "two" and insert "three," so as to make the paragraph read:

SEC. 315. The Hawaiian organic act is hereby further amended by adding at the end thereof three additional sections to read as follows:

The amendment was agreed to.

The next amendment was, on page 36, after line 14, to insert the following:

SEC. 106. The board of harbor commissioners of the Territory of Hawaii shall have and exercise all the powers and shall perform all the duties which may lawfully be exercised by or under the Territory of Hawaii relative to the control and management of the shores, shore waters, navigable streams, harbors, harbor and water-front improvements, ports, docks, wharves, quays, bulkheads, and landings belonging to or controlled by the Territory, and the shipping using the same, and shall have the authority to use and permit and regulate the use of the wharves, piers, bulkheads, quays, and landings belonging to or controlled by the Territory for receiving or discharging passengers and for loading and landing merchandise, with a right to collect wharfage and demurrage thereon or therefor, and, subject to all applicable provisions of law, to fix and regulate from time to time rates for services rendered in mooring vessels, charges for the use of moorings belonging to or controlled by the Territory, rates or charges for the services of pilots, wharfage, or demurrage, rents or charges for warehouses or warehouse space, for office or office space, for storage of freight, goods, wares, and merchandise, for storage space for the use of donkey engines, derricks, or other equipment belonging to the Territory, under the control of the board, and to make other charges, including toll or tonnage charges on freight passing over or across wharves, docks, quays, bulkheads, or landings. The board shall likewise have power to appoint and remove clerks, wharfingers and their assistants, pilots and pilot-boat crews, and all such other employees as may be necessary,

and to fix their compensation; to make rules and regulations pursuant to this section and not inconsistent with law; and generally shall have all powers necessary fully to carry out the provisions of this section.

All moneys appropriated for harbor improvements, including new construction, reconstruction, repairs, salaries, and operating expenses, shall be expended under the supervision and control of the board, subject to the provisions of law. All contracts and agreements authorized by law to be entered into by the board shall be executed on its behalf by its chairman.

The board shall prepare and submit annually to the governor a report of its official acts during the preceding year, together with its recommendations as to harbor improvements throughout the Territory.

The amendment was agreed to.

Mr. HARRISON. Mr. President, what was the first amendment that was agreed to in the front part of the bill? I did not catch it.

The PRESIDENT pro tempore. The Secretary will again state the amendment to which the Senator refers.

The READING CLERK. On page 4, line 22, strike out "Keaupaha" and insert "Keaaukaha."

The next amendment was, on page 38, line 8, to change the number of the section from "106" to "107."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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 an act entitled 'An act to provide a government for the Territory of Hawaii,' approved April 30, 1900, as amended, to establish an Hawaiian homes commission, granting certain powers to the board of harbor commissioners of the Territory of Hawaii, and for other purposes."

BILLS PASSED OVER.

The bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States was announced as next in order.

Mr. KING. Let the bill be read.

The Assistant Secretary read the bill.

Mr. KING. Let it go over.

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

The bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order, and was read.

Mr. KING. Let that go over.

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

AMENDMENT OF THE RULES—EXECUTIVE BUSINESS.

The resolution (S. Res. 73) amending Rules XXXVII and XXXVIII of the Standing Rules of the Senate so as to provide for the consideration of nominations and treaties in open executive session unless otherwise ordered was announced as next in order.

Mr. PENROSE. Let that go over.

Mr. HARRISON. Mr. President——

Mr. PENROSE. Is the Senator particularly anxious to proceed with the resolution now?

Mr. HARRISON. There is going to be a substitute offered for it, but I do not see the junior Senator from Pennsylvania [Mr. KNOX] present. I did want to take up the proposition some time this week, however.

Mr. PENROSE. I did not know but that the Senator expected to have it passed without further discussion.

Mr. HARRISON. No; I am sure that some Senators on the other side would like to defend their course when they vote against it.

The PRESIDENT pro tempore. Objection is made, and the resolution will be passed over.

TEMOAK BAND OF HOMELESS INDIANS.

The bill (S. 224) authorizing the Secretary of the Interior to purchase a tract of land with sufficient water right attached, for the use and occupancy of the Temoak Band of homeless Indians, located at Ruby Valley, Nev., was announced as next in order.

Mr. KING. I would like to ask the chairman of the Committee on Indian Affairs to offer some explanation of the bill.

Mr. SMOOT. Let it go over to-day.

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

ALBERT H. RAYNOLDS.

The bill (S. 901) for the payment of certain money to Albert H. Raynolds was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert H. Raynolds, or his personal representatives, out of any money in the Treasury not otherwise appropriated, the sum of $2,290.49, for and on account of two United States Indian vouchers in the amounts, respectively, of $907.98 and $1,382.51, which vouchers were issued on the 26th day of March, 1877, to Dwight J. McCann, an Indian freight contractor, and cashed by the said Albert H. Raynolds, and which said vouchers were allowed for payment by the Commissioner of Indian Affairs on the 2d day of May, 1877, and afterwards refused.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UMATILLA RESERVATION LANDS.

The bill (S. 926) to withhold from sale and to restore to the Indians of the Umatilla Reservation certain lands which were authorized to be offered for sale under the act of March 3, 1885, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That section 2 of the act of March 3, 1885 (23 Stat. L., p. 342), be, and the same hereby is, amended so as to authorize the Secretary of the Interior to withhold from sale or disposition for use as tribal grazing grounds all unentered and undisposed of lands in townships 2 south, ranges 34 and 35 east of the Willamette meridian, Oregon, formerly a part of the Umatilla Reservation: *Provided*, That any settler on these lands, prior to April 21, 1921, shall be permitted to acquire title to lands covered by his settlement, not exceeding 160 acres of nontimbered lands and 40 acres of timbered lands, at not less than the appraised value thereof, by making entry of the lands at the proper district land office within six months from the date of the passage of this act and by complying with the provisions of law governing other entries of Umatilla lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

HEIRS OF KO-MO-DAL-KIAH.

The bill (S. 1111) for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33, was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to make an allotment of not more than 80 acres of land within the diminished Colville Reservation, in the State of Washington, to Ko-mo-dal-kiah in lieu of portions of Moses agreement allotment No. 33, embraced within the patented entries of Francis M. Fulton and Carrier French.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE OVER LITTLE COLORADO RIVER, ARIZ.

The bill (S. 1738) for the completion of a bridge across the Little Colorado River near the Leupp Indian Agency, Ariz., was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $4,000, or so much thereof as may be necessary, for the completion of the approaches and the protection of the abutments to the bridge across the Little Colorado River near the Leupp Indian Agency, Ariz., reimbursable from the tribal funds of the Navajo Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS PURCHASED FOR HOMELESS INDIANS.

The bill (S. 1926) to extend the provisions of the act of February 8, 1887, as amended, to lands purchased for Indians was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That unless otherwise specifically provided, the provisions of the act of February 8, 1887 (24 Stat. L., p. 388), as amended, be, and they are hereby, extended to all lands heretofore purchased or which may hereafter be purchased by authority of Congress for the use or benefit of any individual Indian or band or tribe of Indians.

Mr. KING. May I ask the Senator from Kansas to give an explanation as to the objects of this bill?

Mr. CURTIS. The Government, by virtue of several acts of Congress, has purchased tracts of land in different States for Indian tribes. The appropriations were made in the appropriation bills, and no specific law was made applicable. So the department has asked that the act of 1887, which is a general Indian allotment act, be made applicable to all the lands purchased for Indians in different States. Principally the lands purchased for homeless Indians are located in California, a little less than 35,000 acres; some lands in Minnesota, some lands in Wisconsin, and some in one or two other States.

This bill, let me say, was drawn by the department, and introduced at their request, so that they might have some definite legislation applicable to lands purchased for homeless Indians.

Mr. KING. I will state the reason why I made the inquiry. Knowing that the department contemplated purchasing, if it has not already done so, some arid lands, lands to be distinguished from lands which are owned by the Indians in some

sections, I was wondering whether a general statute relating to what might be denominated normal lands would be applicable to some of the dry, arid, subnormal lands which the Government will purchase for the Indians.

Mr. CURTIS. In the purchase of lands and in the allotment of arid and semiarid lands, separate and distinct provisions have been made in reference to their allotment and management. For instance, in New Mexico and Arizona the amount of irrigable land has been limited to 5 or 10 acres, depending on the case, and no doubt if arid or semiarid lands were provided for in the future the legislation would designate what should be done with them, the number of acres to be allotted, and so forth.

Mr. KING. Then there is enough flexibility in existing law, or laws which are to be made applicable to lands hereafter purchased, to permit the department to award to the Indians reasonable acreage, sufficient for their wants?

Mr. CURTIS. I think so.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJUSTED COMPENSATION FOR SOLDIERS OF THE WORLD WAR.

The bill (S. 506) to provide adjusted compensation for veterans of the World War, and for other purposes, was announced as next in order.

Mr. KING. Can the bill be considered in this hour?

Mr. SMOOT. It will be impossible to consider the bill under the 5-minute rule, and the Senator from North Dakota [Mr. MCCUMBER] not being in the Chamber, I ask that it may go over.

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

INTERSTATE HIGHWAY SYSTEM.

The bill (S. 1355) to provide for the establishment, construction, and maintenance of a post-roads and interstate highway system, to create a Federal highway commission, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

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

J. L. HOLMES.

The bill (S. 513) granting a deed of quitclaim and release to J. L. Holmes of certain land in the town of Whitefield, Okla., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 7, after the word "interest," to insert the words "in and to lots 2 and 3, block 14, in town site of Whitefield, Okla."; and on page 2, line 3, to strike out the word "scheduled" and to insert in lieu thereof the word "conveyed," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to execute, acknowledge, and deliver, in the name of the United States of America, a deed of quitclaim and release to J. L. Holmes, of Whitefield, Okla., his heirs and assigns, of all the right, title, and interest in and to lots 2 and 3, block 14, in town site of Whitefield, Okla., which was granted to the United States of America by a deed from the Choctaw and Chickasaw Nations to the United States of America, dated the 21st day of September, A. D. 1904, and approved by the Secretary of the Interior, said lots having been erroneously conveyed to the United States instead of E. E. Farrell, who subsequently sold and transferred same to J. L. Holmes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

RELIEF OF INDIANS ON RAILROAD LANDS.

The bill (S. 902) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, in line 6, after the numerals "1916," to insert the words "and the act of June 30, 1919," and in line 9 to strike out, after the word "where," down to and including the word "approval" in line 2, page 2, and insert "it is shown that the lands were actually occupied in good faith by Indians prior to March 4, 1913, and the applicants are otherwise entitled to receive such tracts in allotment under existing law but for the grant to the railroad company," so as to make the bill read:

*Be it enacted, etc.*, That all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, and amended by the act of April 11, 1916, and the act of June 30, 1919, be, and the same are hereby, extended to March 4, 1923: *Provided*, That the provisions of this act shall apply only in cases where it is shown that the lands were actually occupied in good faith by Indians prior to March 4, 1913, and the applicants are otherwise entitled to receive such tracts in allotment under existing law, but for the grant to the railroad company.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

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

BILL PASSED OVER.

A bill (S. 1168) to authorize the payment of certain taxes to Stevens and Ferry Counties, in the State of Washington, and for other purposes, was announced as next in order.

Mr. CURTIS. Let the bill go over.

The PRESIDENT pro tempore. It will be passed over.

MRS. BENJAMIN GAUTHIER.

The bill (S. 1732) for the relief of Mrs. Benjamin Gauthier was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, in line 4, page 1, after the word "convey," to strike out the words "by issue of patent," and, in line 5, after the words "Lac du Flambeau," to insert the words "with the consent of the Lac du Flambeau Indians to be evidenced in such manner as he may require," and, on page 2, line 4, after the word "thereon," to insert "All expenses of survey and conveyance to be paid by Mrs. Gauthier," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to sell and convey to Mrs. Benjamin Gauthier, of Lac du Flambeau, with the consent of the Lac du Flambeau Indians to be evidenced in such manner as he may require, a tract of land not exceeding 10 acres in lot 3, section 8, township 40 north, of range 5 east, on the Lac du Flambeau Indian Reservation, in Wisconsin, said tract to be selected by the said Secretary and to include the land occupied by said Mrs. Benjamin Gauthier with hotel, store, warehouse, residence, summer cottages, barn, and social hall; said conveyance shall be made upon payment to the Secretary of the Interior of such sum as he shall determine to be the reasonable value of the land conveyed, exclusive of the improvements thereon. All expenses of survey and conveyance to be paid by Mrs. Gauthier.

The receipts of such sale shall be paid into the Treasury and placed to the credit of the Lac du Flambeau Band of Chippewa Indians.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

BILLS PASSED OVER.

The bill (S. 1829) for the relief of Walter Runke was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 1894) to amend section 26 of an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs," etc., was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 2022) promoting civilization and self-support among the Indians of the Mescalero Reservation, in New Mexico, was announced as next in order.

Mr. SMOOT. Let that go over.

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

The bill (S. 154) to extend the benefits of the employers' liability act of September 7, 1916, to Arthur E. Rump was announced as next in order.

Mr. KING. Let that go over.

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

The bill (S. 1251) providing for investigations for irrigation works in Green River, Wyo., was announced as next in order.

Mr. SMOOT. Let that go over.

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

DAYLIGHT SAVING ACT AMENDED.

The bill (S. 574) to amend an act entitled "An act to save daylight and to provide standard time for the United States," as amended, was announced as next in order.

Mr. STERLING. I object to the present consideration of the bill.

Mr. GOODING. Mr. President, I hope the Senator from South Dakota will withdraw his objection. The bill affects only the people of Idaho, and they are merely asking to be given back the time they have used there since pioneer days.

Mr. STERLING. Then I did not understand the bill. I understood that it was a general daylight saving bill.

Mr. BORAH. No; it is not.

Mr. GOODING. It is merely a local bill.

Mr. STERLING. I withdraw my objection.

The bill was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That an act entitled "An act to save daylight and to provide standard time for the United States," approved March 19, 1918, as amended, be, and the same hereby is, further amended by adding thereto, after section 2 and before section 4, an additional section to be known as section 3, as follows:

"SEC. 3. In the division of territory, and in the definition of the limits of each zone, as hereinbefore provided, so much of the State of Idaho as lies south of the Salmon River, traversing the State from east to west near 45° 30′ latitude, shall be embraced in the third zone."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1951) for the relief of John Hickson, jr., was announced as next in order.

Mr. KING. Let that go over.

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

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. KING. Let that go over.

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

RECEPTION OF JAPANESE PARLIAMENTARY DELEGATION.

Mr. CURTIS (at 1 o'clock and 10 minutes p. m.). Mr. President, I move that the Senate take a recess until half past 1 in order that the Senate may receive the Japanese parliamentary delegation now on a visit to the Capitol.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair appoints the Senator from Kansas [Mr. CURTIS] and the Senator from Georgia [Mr. HARRIS] as the committee to introduce the visitors to the Senate Chamber.

The Senate thereupon took a recess for 20 minutes, and the members of the Japanese parliamentary delegation were escorted by the committee appointed by the President pro tempore into the Senate Chamber, the members of the delegation being—

Rokusaburo Nakanishi, chairman, Seiyu Kai (political party).
Kunimatsu Hamada, vice chairman, Kokuminto (political party).
Takeo Tanaka, director, Kensei Kai (political party).
Hideo Higuchi, Kensei Kai (political party).
Yeikichi Hikita, Seiyu Kai (political party).
Naota Kumagai, Seiyu Kai (political party).
Juichi Nozoye, Seiyu Kai (political party).
Senpei Yajima, Koshin Club.
Tobei Nakamura, secretary of the house of representatives.
Nobuzo Kawai, assistant secretary of the house of representatives.
K. S. Inui, secretary of the delegation.
Torao Kawasaki, secretary of the delegation.

The members of the Japanese parliamentary delegation took their places at the left of the Vice President's desk and the Members of the Senate were presented to them by the committee appointed by the President pro tempore.

The Members of the Senate having paid their respects to the visiting guests, on the expiration of the recess (at 1 o'clock and 30 minutes p. m.) the Senate was called to order by the President pro tempore.

LANDS IN ARIZONA.

The PRESIDENT pro tempore. The Secretary will state the next bill on the calendar.

The bill (H. R. 2421) granting certain public lands to the city of Phoenix, Ariz., for municipal purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, line 10, after the word "report," to insert "or if the Secretary shall otherwise determine," so as to make the bill read:

*Be it enacted, etc.*, That the south half of the northwest quarter and the north half of the southwest quarter of section 23, township 1 north, range 2 east, Gila and Salt River meridian, Arizona, be, and the same is hereby, granted to the city of Phoenix, Ariz., for municipal purposes, upon condition that the said city shall make payment for such land at the rate of $1.25 per acre to the receiver of the United States land office at Phoenix, Ariz., within 60 days after the approval of this act: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits found at any time in the land, and the right to prospect for, mine, and remove the same: *Provided further*, That the grant herein is made subject to any valid existing easements on said land and upon the express condition that within 30 days of the receipt of any request therefor from the Secretary of the Interior the mayor of said city shall submit to the Secretary of the Interior a report as to the use of the land herein granted during the period named in such request, and that in the event of his failure to so report, or if it is shown in such a report or if the Secretary shall otherwise determine that the terms of this grant have not been complied with, the grant shall be held forfeited, and the Attorney General of the United States shall institute suit in the proper court for the recovery of said lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time and passed.

The bill (H. R. 2422) for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VASHON ISLAND MILITARY RESERVATION, WASH.

The bill (H. R. 5622) providing for the appraisal and sale of the Vashon Island Military Reservation in the State of Washington, and for other purposes, was considered as in Committee of the Whole.

Mr. KING. Let the bill be read.

The Assistant Secretary read the bill, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 3, line 15, after the word "privilege," to insert "within a period to be fixed by the Secretary," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior shall cause the land in the Vashon Island abandoned military reservation in sections 1, 2, and 3, all in township 21 north, range 2 east, Willamette meridian, in the county of King, in the State of Washington, to be surveyed and subdivided into tracts and lots to conform as far as practicable to the tracts and lots lawfully occupied by the tenants thereon as lessees or sublessees on May 1, 1920.

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any person who as lessee or sublessee was in actual occupation of any portion of the lands described in section 1 hereof on the 1st day of May, 1920, who made actual settlement thereon in good faith under the terms of a certain lease held of the War Department by one James Bachelor, or a sublease thereunder, or anyone who has since said date succeeded to the occupation and interest of any such prior settler, his heirs or assigns, shall be entitled to purchase for the appraised value one of such surveyed tracts so occupied, no right of purchase to exceed the tract actually occupied and improved by a lawful lessee or sublessee on May 1, 1920, and in no case exceeding 20 acres in a body, according to Government surveys and subdivisions thereof, upon the payment to the Government of a sum of money equal to the appraised value thereof, such appraisement to be made as provided by law: *Provided*, That in making such appraisement the appraisers shall not include the improvements thereon made by the occupants of such lands: *Provided further*, That payment to the Government may be made in one sum, or not less than one-tenth cash and the balance in nine or less number of equal annual installments, with interest at 5 per cent per annum, payable annually, as the purchaser may elect, and with the option in the purchaser, his heirs and assigns, to pay the remaining installments on any date when installment becomes due.

SEC. 3. That if any tract of the lands described in section 1 hereof be not purchased by the lessee or sublessee, his heirs or assigns, as provided in section 2 of this act, within 90 days after the same becomes subject to purchase under the provisions of this act, then and in that event the Secretary of the Interior is hereby authorized to dispose of the remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations," and the said lessees, sublessees, heirs or assigns, who do not purchase such tracts shall have the privilege within a period to be fixed by the Secretary of removing from their tracts any buildings placed thereon, and the Secretary of the Interior is authorized to reappraise any unsold tracts from time to time before offering the same for sale under said act of July 5, 1884.

SEC. 4. That the Secretary of the Interior in making the survey provided for by this act shall ascertain what part of said lands, if any, are needed for lighthouse or roadway purposes, and any lands needed for such purposes shall be segregated or reserved for such use, and the lands so segregated or reserved shall not be subject to disposal hereunder.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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.

MAJ. FRANCIS M. MADDOX, UNITED STATES ARMY.

The bill (S. 1032) for the relief of Maj. Francis M. Maddox, United States Army, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to credit the account of Maj. Louis C. Wilson, Quartermaster Corps, United States Army, the sum of $1,989.14, to be paid Lieut. Col. Francis M. Maddox, Fourth Regiment Alabama National Guard Infantry, for pay and services rendered from June 4, 1920, to September 30, 1920, inclusive, together with commutation of

quarters, light, heat, and longevity pay, Lieut. Col. Francis M. Maddox, performing said duties, having been detailed as assistant to the Chief of the Militia Bureau, War Department, Washington, D. C., and having received no pay for such assignment for period set forth.

Mr. KING. Mr. President, I should like to inquire of the Senator from Alabama [Mr. HEFLIN] whether the officer during this period received compensation for other services by virtue of some other position which he held?

Mr. HEFLIN. No; he did not, Mr. President. The Senator from Florida [Mr. TRAMMELL], a member of the Committee on Claims, had charge of the measure in the committee, and he has the report of the committee. I ask him to give the committee's viewpoint to the Senator from Utah.

Mr. KING. I should like to inquire how, with the pay which is allowed, the officer could receive so great a sum for practically one month or six weeks of service.

Mr. TRAMMELL. Mr. President, in answer to the Senator's query, I will say that the service covered the period from June 4 to September 30, inclusive, which, of course, is quite a bit more than one month or six weeks. It is approximately four months' service.

The situation arose in this way:

The War Department called Maj. Maddox, of the National Guard, to the Militia Bureau and gave him an assignment there. After he had been in the service probably six weeks the auditor raised the question that he was not entitled to pay on account of the law not permitting a National Guard officer to be assigned to the Militia Bureau, and made some suggestions as to an amended order which would probably cover the situation. The Secretary of War amended the order, and five or six weeks more elapsed, and then they again raised the question that even under the amended order he was not entitled to his pay. However, they had paid him and did pay him for about two or three months under the order. Then they made a request upon him that he refund the amount he had received. I think the third time the Secretary of War amended the order so as to try to make it meet the objection raised by the auditor and subsequently raised by the Comptroller of the Treasury. It is my understanding that the officer rendered the service and that it was purely on account of a technicality raised by the Comptroller of the Treasury that he did not receive his pay.

Secretary Baker wrote a letter explaining the case fully and recommending the payment of the claim, in which he stated that it was a just debt against the United States; and subsequently Secretary Weeks reviewed the case and wrote a similar letter, which is contained in the files. Both Secretaries recommend the payment as being just and say that the services were rendered. It was upon that showing that the committee unanimously reported in favor of the bill.

Mr. KING. Let me inquire of the Senator whether this officer was receiving compensation during this period for other services because of the other position which he occupied?

Mr. TRAMMELL. He was not receiving other compensation, because he was here in the bureau giving his time to the bureau under the assignment and received no other pay.

Mr. HEFLIN. Hoping and expecting that this money would be paid to him.

Mr. TRAMMELL. The Auditor for the War Department first authorized the payment to him of about thirteen hundred and odd dollars, I think, and then, when the Comptroller of the Treasury held that they had no right to pay it, because the Comptroller of the Treasury took the position that they had no right to assign an officer from the National Guard to the Militia Bureau, and, on the other hand, the Secretary of War took the position that they did have a right to do it, they ordered him to refund the thirteen hundred and odd dollars of money that had already been paid over to him.

Mr. KING. And is this now to cover that amount?

Mr. TRAMMELL. This bill covers that thirteen hundred and odd dollars that he refunded and additional services besides that.

Mr. KING. How did this officer happen to be in the War Department and subject to their jurisdiction in the beginning?

Mr. TRAMMELL. He was in the National Guard, and they called him in and assigned him to a post in the Militia Bureau as representing the National Guard in connection with the bureau.

Mr. KING. If he had not received this assignment, what position would he have held with the National Guard or with the Government?

Mr. TRAMMELL. I judge that if he had not received it he would, of course, have remained in his former position until discharged from the service and, of course, would have drawn his salary in the other position.

I may read just the closing paragraph of the letter of Secretary Baker, and Secretary Weeks wrote a similar letter. In fact, I think the letter is worded almost exactly like this one:

Opinion as to the justice of this claim: The officer in question performed military duty in good faith. The War Department issued orders which, in its opinion, authorized the performance of duty by this officer and his payment from Federal appropriations. There can be no doubt that there is a moral obligation on the part of the Government to pay for services rendered. It is known in the War Department that Congress, in passing section 81 of the act of June 3, 1916, intended to permit the use of National Guard officers as assistants to the Chief of the Military Bureau. The construction placed upon the following provision of law by the comptroller has deprived Maj. Maddox of his just pay.

Then he gives the provisions of the law. He further states that it was the intention of Congress that they should be allowed to call in National Guard officers to be assigned as assistants in this bureau.

The PRESIDENT pro tempore. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF GEORGE A. ROBERTSON.

The bill (S. 496) for the relief of George A. Robertson was announced as next in order, and was read.

Mr. SMOOT. Will the Senator from Montana tell me whether the department paid Mr. Robertson anything between 1913 and 1916?

Mr. MYERS. He never received anything except his wages. He was working up to the time he was injured, and I do not think he has been in the employ of the Government since. He was incapacitated from pursuing his work.

Mr. SMOOT. I ask that the bill may go over to-day. I have not yet had time to read the report.

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

FIDELITY & DEPOSIT CO. OF MARYLAND.

The bill (S. 1434) for the relief of the Fidelity & Deposit Co. of Maryland, Baltimore, Md., was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, after the 15th day of July, A. D. 1921, United States Treasury Department 5½ per cent coupon certificates of indebtedness, series B–1921, dated July 15, 1920, and due January 15, 1921, Nos. 3298 and 3299, of the denomination of $5,000 each, with interest from July 15, 1920, to the date of maturity of said certificates of indebtedness, January 15, 1921, and also to redeem, after the 15th day of September, A. D. 1921, United States Treasury Department 5½ per cent coupon certificates of indebtedness, series TM2–1921, dated July 15, 1920, and due March 15, 1921, Nos. 2216 and 2217, of the denomination of $5,000 each, with interest from July 15, 1920, to the date of maturity of said certificates of indebtedness, March 15, 1921, in favor of the Fidelity & Deposit Co. of Maryland, without presentation of said certificates, the certificates of indebtedness having been lost, stolen, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment: *Provided further*, That the said Fidelity & Deposit Co. of Maryland shall first file in the Treasury Department bonds, each in the penal sum of double the amount of the principal and interest of said certificates of indebtedness of the Treasury Department of the United States of America, in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness hereinbefore described.

Mr. KING. I ask the Senator from Indiana, who I notice reported the bill, if there is any possibility of the Government sustaining any loss if the bill should pass?

Mr. NEW. No, Mr. President. The bill is of a character similar to many which have been passed by Congress. The situation is simply this: There were four certificates of indebtedness, of $5,000 each, stolen from the Fidelity & Deposit Co. of Maryland. The company make claim for them, and the bill stipulates, of course, that they are to file a bond with the Secretary of the Treasury, satisfactory to the Secretary, indemnifying the Government in double the amount of the face value of the bonds. I think there can be no objection to the bill. We pass bills of such a character with that provision attached right along.

Mr. KING. For my own information, I would like to inquire of the Senator whether there is any possibility of those certificates being negotiated and getting into the hands of innocent purchasers and being presented to the Government later on by such innocent holders.

Mr. NEW. The Government can certainly sustain no loss, because the Government is indemnified by a bond in double the amount of the face of the certificates. They are supposed to have been stolen. The bill was introduced by the Senator from Maryland [Mr. WELLER], was referred to me as a subcommittee of the Committee on Claims, and with that provision in it I reported the bill favorably.

Mr. KING. Are the certificates negotiable? Would they pass current as money?

Mr. NEW. They were dated July 15, 1920, and one was due January 15, 1921, and the others due March 15, 1921. I think there is no possibility of the United States suffering any loss. That is amply provided against.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT STREET RAILWAYS.

The bill (S. 985) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1920, was announced as next in order.

Mr. KING. Let that go over.

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

PUBLIC-BUILDING CONTRACTORS AND SUBCONTRACTORS.

The bill (S. 1905) providing for the relief of certain contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 12, after the word "but," to insert "in response to such invitation were," so as to make the bill read:

*Be it enacted, etc.*, That the limitation contained in the act of Congress entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, that "no claims for such reimbursement shall be paid unless filed with the Treasury Department within three months after the passage of this act," be, and the same is hereby, amended so as to authorize the Secretary of the Treasury to consider and act upon any claims filed under said act of Congress which were received in the Treasury Department on or before December 5, 1919.

SEC. 2. That the aforesaid act of August 25, 1919, shall be held to include all contracts for the construction, improvement, special repair, equipment, and furnishing of post offices and other public buildings specified in said act, including the United States courthouse in the District of Columbia, the bids for which were invited prior to April 6, 1917, but in response to such invitation were not opened until subsequent to that date, and on which said bids contracts were awarded, and as to such contracts claims for reimbursement, as provided by said act of August 25, 1919, as amended by the act of March 6, 1920, may be filed within three months after the passage of this act: *Provided*, That the claim of no subcontractor shall be allowed and paid under the provision of this section unless it is established by satisfactory proof that his subbid, as subsequently accepted, was submitted to the contractor on any of the work above referred to prior to the submission of the Government contractors' bid to the proper governmental authority.

SEC. 3. That to enable the Secretary of the Treasury to expedite the examinatioin and payment of claims filed under the provisions of the aforesaid act of August 25, 1919, as amended, he is hereby authorized, in his discretion, from and after the passage of this act and until June 30, 1922, to detail from the field force of the Supervising Architect of the Treasury such number of superintendents of construction and others as he may deem necessary, and for such period as he may consider proper, to serve in the Office of the Supervising Architect, exclusively to aid in the examination and settlement of said claims.

Mr. KING. Mr. President, I did not object to the consideration of this bill, because I was not sufficiently advised as to its terms and limitations and implications. It seems to me, after having heard the bill read, that it imposes penalties upon the Government and may subject the Government to the payment of very large sums. Moreover, if the Government is to afford relief to every contractor who during the war had contracts with the Government, and because of the rise in materials or in wages failed to make the profits anticipated or possibly incurred losses—if the Government is to meet all those obligations, or is to expose itself to the payment of those claims, it is a matter which ought to receive the serious consideration of Congress.

The Senator from Maine, who reported the bill, knows that during the war contracts were entered into between individuals and between individuals and the Government, under which private individuals were to do certain work for individuals and to do certain work for the Government. Because of the mounting prices, in many instances losses were sustained, and in many instances no profits were made.

Is this legislation for the purpose of reimbursing all who had not provided for the contingency of rising prices, and therefore failed to make profits or sustained losses? If that is the purpose of this measure, where are you going to draw the line, because, as the Senator knows, there were thousands of contracts entered into, involving perhaps hundreds of millions of dollars, and if those contracts were lived up to and were based upon prewar prices there would be very great losses, and the Government, if it sets this precedent here now, may be called upon to pay very large sums.

Mr. WALSH of Montana. Before the Senator from Maine enters into any elaborate reply I desire to interpose an objection to the consideration of the bill at this time. It apparently removes the bar of the statute of limitation. The only information the report gives us is that the Committee on Public Buildings and Grounds thinks there is good reason to remove the bar, and that is all.

I myself am unable to understand why the bill should not have gone to the Committee on Claims. The Committee on Claims is charged with the duty of inquiring into claims for compensation alleged to be due from the United States.

Mr. FERNALD. If the Senator will withhold his objection, I think I can make a statement which will clear the situation entirely.

Mr. WALSH of Montana. I am entirely willing to withhold the objection.

Mr. FERNALD. On August 25, 1919, a bill passed both Houses and became a law, permitting contractors to present their claims to the Treasury of the United States, where they had been interfered with by priority orders, their material taken, and their men taken from them by the Army and Navy.

There were 347 such contracts for the building of post office and other Federal buildings in the United States. Under that law there have been 96 adjustments. Sixty-one claims have been rejected entirely, and there are now 65 which are being adjusted.

This bill does three things. Under the law the contractors were obliged to file their claims within three months after its passage, which was November 25, 1919.

There were 10 claims which were not received in the department by that date, and 10 only, on account of sickness—I think, one case of insanity—and in some cases small contractors who were not notified and did not know of the passage of the act.

First, the bill takes care of those 10 contractors. The amount is very small. That is the first provision in the bill.

Mr. WALSH of Montana. Will the Senator not tell us what the amount is in the cases of those claims?

Mr. FERNALD. The estimated amount to cover all the claims was $2,750,000. An appropriation was made of $2,000,000, and but $1,532,953.97 has been paid.

The bill first takes care of those 10 men. Then there were 15 contractors who made their bids prior to April 6, 1917, and the bids were not opened by the Treasury Department until after April 6, 1917. There are 15 of those contractors, and that is all that is contemplated and taken care of in this measure. As I stated, the estimate was for $2,750,000, the appropriation was $2,000,000, and we have not come anywhere near the amount estimated.

The third provision is a most fair and just measure. It authorizes the Secretary to detail from the field force of the Supervising Architect such number of superintendents of construction and others as he thinks necessary to aid in the examination and settlement of the claims. Many of the claims that are unsettled at this time are unsettled because of a lack of clerical force. It is not suggested that any new men be hired in the department, but that the Secretary may have authority to call in some of those who are outside to help adjust the claims.

A similar bill had the approval of former Secretary McAdoo, and I have his letter here. It also had the approval of former Secretary of the Treasury Glass, and the pending bill has the approval of the present Secretary of the Treasury. I have a letter from him.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. FERNALD. Mr. President, I should like unanimous consent to complete my statement, if it is satisfactory to the Senator from Montana and if he would be willing to withdraw his objection.

Mr. WALSH of Montana. I do not feel disposed to do that until I have some kind of information as to the facts upon which we are asked to waive a perfectly valid defense of the statute.

Mr. FERNALD. I thought I was making it quite clear.

Mr. WALSH of Montana. The Senator will understand that I offer no objection whatever to the general principle of the bill. Of course, the Government of the United States ought to respond in damages to those who were injured by reason of the priority orders. The principle I admit, but apparently some of the claimants did not make their claims in time, and it is now proposed that the Government shall waive a defense of the statute against those claims without any reason being assigned,

so far as the report goes, to show what the facts are upon which we are asked to act.

Mr. FERNALD. I do not know whether the Senator from Montana still objects or whether he will permit me to complete my statement.

Mr. WALSH of Montana. I should be very glad to join in giving unanimous consent to allow the Senator to complete his statement, but until the RECORD shows some facts upon which we may act I shall have to insist upon my objection.

The PRESIDENT pro tempore. The Senator from Maine does not require unanimous consent to go on with his statement. He is speaking now upon the amendment proposed by the Senator from Kentucky [Mr. STANLEY] to the unfinished business, the so-called coal bill.

Mr. FERNALD. Then, I think I shall complete my statement. Most of the bills on the calendar to-day have been passed over, but I believe this is a very urgent measure.

The bill, as I said, provides, first, that those men who did not file their claims within three months may have an opportunity to file them. Those men were 10 days behind the date mentioned in the act that was passed. That is one reason. It seems to me only fair that they should have that opportunity. That is the first provision.

Mr. POMERENE. Mr. President——

Mr. FERNALD. I yield to the Senator from Ohio.

Mr. POMERENE. Do I understand that these contracts come within the spirit of the law which Congress passed a few years ago and to which the Senator from Maine referred?

Mr. FERNALD. They do.

Mr. POMERENE. And the claimants can not get the compensation asked for because of the technical objections to which the Senator refers?

Mr. FERNALD. Precisely; that is true. Some of them were small contractors who never heard of any legislation. There are only 10 of them. That is the first provision.

The second provision covers 15 contracts for the construction of Federal buildings, which were to be built on proposals for which bids were invited prior to April 6, but not opened until after that date. Those 15 men made their bids, mailed them to the Secretary, but the bids were not opened until after April 6. The bill provides that they shall have an opportunity to be heard.

The third provision simply authorizes the Secretary to detail from the field force of the Supervising Architect such number of superintendents of construction and others as he may think necessary to aid in examination and settlement of the claims. As I have said, there are 65 claims now in various stages of adjustment and on account of a lack of clerical force they are unable to make any adjustment of the claims. The bill provides that they may call on these men for that purpose only.

As I said, the bill had the approval of Mr. McAdoo, later of Mr. Glass, and now it has been approved by the present Secretary of the Treasury. The matter was taken up by the full Committee on Public Buildings and Grounds of the House and had the approval of the entire committee in a unanimous report, and the same is true as to the Senate committee. It seems to me that the men ought to be taken care of at this time.

It would seem, in case the pending legislation were enacted, that $250,000 additional might be required in this connection—that is, if all the bills were allowed, but many of the bills have not been allowed. Some allowances have been for one-quarter or one-half the amount claimed; but by the bill the matter is simply taken to the Secretary of the Treasury and there, unless the claim is just, it is turned down entirely. It does seem to me that the men ought to be settled with at this late date. I hope the Senator from Montana will withdraw his objection.

The PRESIDENT pro tempore. The unfinished business is before the Senate, and the pending question is upon the amendment proposed by the Senator from Kentucky [Mr. STANLEY].

Mr. UNDERWOOD. Mr. President, I do not wish to interfere in any way with the bill that has been discussed by the Senator from Maine. I have a very sympathetic feeling with the purposes of the bill to relieve some of those people, but as the morning hour has passed and the unfinished business is before the Senate I wish to say a few words about the bill that we have under consideration.

Mr. STANLEY. Mr. President, I think it is very important that the Senator from Alabama should be heard by more Senators than are present at this time. For that reason, if he will permit, I will suggest the absence of a quorum.

Mr. UNDERWOOD. I hope the Senator will not do that.

Mr. STANLEY. Very well; I defer to the Senator's wish.

Mr. UNDERWOOD. I thank the Senator, but I would really prefer to speak to those here rather than to call in those who are absent.

PORT OF NEW YORK AUTHORITY.

Mr. EDGE. Mr. President, I have been waiting patiently to try to secure action on Calendar No. 174, the joint resolution (S. J. Res. 63) granting consent of Congress to the States of New York and New Jersey to enter into the agreement for the establishment of "The port of New York authority," which would have been reached in a very few moments if the unfinished business had not been laid before the Senate. It is a measure to which I am quite sure there can be no objection. I wonder if the Senator from Alabama would object if I ask unanimous consent for the present consideration of this particular matter.

Mr. UNDERWOOD. I did not understand the Senator.

Mr. EDGE. It is a joint resolution providing for agreement between the States of New York and New Jersey to enter into an understanding about the development of the port of New York. The two States have appropriated millions of dollars, and it is purely a formal matter on the part of Congress. They can not move until this formality is gone through with and they are given this regular technical authority.

Mr. UNDERWOOD. I am perfectly willing, if the Senator will move to take up the joint resolution, to vote with him to displace the unfinished business now before the Senate, but I am sure the proposition the Senator has in mind will cause debate, and I think we ought to go on with the unfinished business if we are to consider it.

Mr. EDGE. I was simply going to ask unanimous consent to lay aside temporarily the unfinished business, in order that this matter might be considered. I can not imagine that any debate will be brought about by its consideration.

Mr. UNDERWOOD. I assure the Senator I shall be through in a few minutes, and I am sure he will be just as willing to wait on me as I am to wait on him.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on the 25th instant the President had approved and signed bills and a joint resolution of the following titles:

S. 78. An act authorizing the appointment of an additional judge for the district of North Dakota;

S. 694. An act providing for the appointment of an additional district judge for the southern judicial district of the State of West Virginia; and

S. J. Res. 34. Joint resolution creating a commission to represent the United States in the celebration of the first centennial of the proclamation of the independence of the Republic of Peru.

CENTENNIAL EXPOSITION AT RIO DE JANEIRO, BRAZIL (S. DOC. NO. 41).

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read, and with the accompanying report referred to the Committee on Foreign Relations and ordered to be printed, as follows:

*To the Senate and House of Representatives:*

I transmit herewith for the consideration of Congress a report from the Secretary of State concerning the desirability of the Government of the United States participating in an International Centennial Exposition which is to open in Rio de Janeiro, Brazil, on September 7, 1922.

To the recommendations of this report, I give my hearty approval. I trust the Congress will view the matter favorably and will make timely provisions to enable the United States suitably to participate in the exposition.

WARREN G. HARDING.

THE WHITE HOUSE, *June 27, 1921.*

SEASONAL RATES ON COAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. UNDERWOOD. Mr. President, in the last campaign one of the battle cries of the Republican Party was to take the Government out of business, and, although there was no particular basis on which to rest that battle cry, because, where the Government at that time had been functioning in business, it had been doing so under war necessities and not upon a peace basis, yet I have no doubt that it was a very popular battle cry and that numerous votes were annexed to the Republican column because it was believed that the leaders of the Republican Party were going to do something to alter war conditions, unshackle business, and give it a chance to swim out. Of course, the Republican Party was in control of both branches of Congress at that time, and I suppose the voting population of the country visualized that something else might happen if a Republican

President was put in office. As I said, it was a popular battle cry.

If there is one precept handed down from the time of the fathers that commands the confidence and respect and approval of the great American people, it is the saying of Thomas Jefferson that that country which governs least governs best. Therefore this assumed battle cry of the Republican Party was annexing to itself the principles of Thomas Jefferson, and holding out to the American people that the shackles of interference by the Government with business would be removed if they once came into power. Yet they have been in power for a few months, and the principal business that seems to have come before Congress since they have been returned to power is putting politics back into business and not taking it out. This is one of the bills of that character, although it is not so bad as others, for, in my judgment, there is a worse bill to follow and some worse ones have preceded it. There is much that may be said in advocacy of the bill; but, nevertheless, it is one of that class of bills that those who think along Republican lines always nestle to their hearts. It is founded on the idea of using the power of the Government to help one man at the expense of others, being somewhat parallel to the doctrine of a high protective tariff, a tariff of prohibition of imports, which is levied in order that one man may grow fat behind the wall at the expense of his fellows, with the sheltering arm of the Government to protect him. This bill is one of that character. It is to foster one industry at the expense of others. Therefore I object to it.

There are provisions of interest in the bill; provisions that might meet with our approval. I listened to the argument of the distinguished Senator from New Jersey [Mr. FRELINGHUYSEN], who has the bill in charge. I have examined his diagrams, which are hung about the walls of this Chamber, in order to demonstrate that coal mining is a seasonal industry; that there is more demand in the wintertime for coal and more of it mined and shipped at that season than in the summer time, and that it would be the part of wisdom to encourage the mining and shipping of coal in the summer time and thereby relieve the pressure in the wintertime. So far so good; there is no objection to that part of his argument or to that proposal; but the Senator from New Jersey, who properly desires, if he can, to take care of those who buy coal in New Jersey and who do not produce it, is overlooking the fact that the coal business is not the only seasonal business in the United States. Of course, some businesses are fortunate enough to have a steady flow of production and consumption throughout the year, and therefore the varying seasons do not seriously affect them; but when it comes to agriculture—which is a larger industry than is coal mining—it is an entirely seasonal business. If the Senator from New Jersey would introduce a bill here designed to give Government aid at the expense of his constituents to enable the farmers of Alabama to extend the time of sale and distribution of their cotton crop through 12 months instead of through 3 months, and to carry their crops over during that period, I am sure if he could secure the passage of such legislation he would do great benefit to the farmers of the South; for one of the disastrous conditions that confront them is that they do a seasonal business; that they must reap their crops and market and distribute them within two or three months, thereby glutting the market whilst their crops are coming in, when the market is not ready to absorb them all at one time.

If it were necessary I might go on to illustrate the point by citing business after business in the United States which have this seasonal difficulty to meet. The fact that the business is seasonal, that it does not run evenly all through the year, affects those who are engaged in it; it affects their sales; it is injurious to them; but I do not think the strong arm of the Government is going to be used in order to relieve them. I would have no objection to the Senator from New Jersey relieving the coal business if it could be done without injury to others.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. UNDERWOOD. I yield.

Mr. McKELLAR. I wish to ask the Senator from Alabama his view in reference to the particular phase of the bill which I shall now quote. The bill provides that:

> The commission is hereby authorized to initiate, establish, approve, or adjust rates for the transportation of coal during specified seasons.

The question I wish to ask the Senator is this: If rates are made less in the spring of the year, of course, the people of the country who are able to afford it may buy their coal at the reduced prices; but will not the commission increase the rates in the following winter when the coal actually moves, when everybody is obliged to have it, and will it not make the cost of the coal just that much greater to those who are least able to bear the increased prices?

Mr. UNDERWOOD. I think it manifestly will, and that is one of my objections to the bill; but I was just coming to that point in my argument.

Mr. McKELLAR. I beg the Senator's pardon for interrupting him.

Mr. UNDERWOOD. I am glad to have had the interruption.

As I was proceeding to say, I should have no objection to relieving the seasonal condition in the coal industry if it could be done without putting the burden and the injury on somebody else, although I do not believe much in that class of legislation; but this bill, in order that the coal mines may operate with the same degree of steadiness in the summer that they do in the winter, proposes to pass the burden on to somebody else and to make somebody else pay for it.

One difficulty in the coal business—and it is a very serious difficulty and possibly one that can not be avoided—is that neither the great producers of coal nor the great consumers of coal have storage facilities in any degree commensurate with the productive capacity of the industry. The railroads, which are great consumers of coal, have very few bins or places for storage, and if they store coal at all it is mostly in their open cars. The great industries have but small capacity for storage in proportion to their needs, and it is difficult for them to carry over the coal from one season to another. Of course, I understand the purpose of this bill is to encourage the consumer, where he can do so and is able to do so, to develop storage facilities to take care of the summer production of coal. So far as the miner is concerned, of course, I recognize that, in a way, the plan proposed would be helpful to him, because when there is no car at the tipple the miner can not mine coal, there being no place to dump it when it comes from the mine to the top of the earth. That, however, is rather an objection that might be raised against the manner of doing business than against the particular time when the consumer seeks to buy coal.

The Senator gives us very excellent illustrations of the fact that a great deal more coal is produced in proportion to consumption in the winter than in the summer time. I am not going into that especially, because, in the main, it is true. Of course, some of the vital years that are shown on the chart are war years. The year of greatest discrepancy is the year 1918, when, practically by Government action, everybody who wanted the coal was ordered—for a request amounted to an order then—to buy their coal in the summer so as not to interfere with the winter business. Of course, a year of that kind is not a normal year on which to base any argument; but, in the main, the statements and facts set forth in the charts are true, that there is more coal proportionately mined in the wintertime when the demand is greater than in the summer time.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. UNDERWOOD. I yield.

Mr. STANLEY. The sale of anthracite coal was stabilized by a flat reduction of 50 cents a ton during certain months in which there was a reduced production and a reduced demand. While that concession no longer exists, the habit was acquired and the sale of anthracite coal is stable even yet. A reduction in the rate to the Great Lakes of 28 cents a ton restored a traffic of 20,000,000 tons of coal that had been going by the all-rail haul in other directions. I wish to call the Senator's attention to the propriety of so amending this bill as to repose in the Interstate Commerce Commission the power to make such reductions as it deems advisable in order to stimulate the production and movement of coal at certain seasons. If the bill after amendment should not do that there would be no harm to the consumer and I believe there would be the probability of getting what good there is in the bill out of it.

Mr. UNDERWOOD. I will say to the Senator that I am heartily in favor of his amendment, and I think it greatly improves the bill, but I have some other objections to the bill which the amendment does not meet.

As I understand the Senator's amendment, it goes to this proposition and I think he is right about it. A part of this bill reads as follows:

> (19) In order to promote continuous operation of coal mines, steady employment of coal miners, and economical use of facilities for distribution of coal, the commission is hereby authorized to initiate, establish, approve, or adjust rates for the transportation of coal during specified seasons or periods which shall be greater or less than the rates for other specified seasons or periods but which in the judgment of the commission will yield as nearly as may be the same annual revenue for like movement as rates without seasonal variation, to be maintained by carriers as a whole or as a whole in each of such coal rate

groups or territories as the commission may from time to time designate for that purpose, or by such carrier or carriers as the commission may designate.

That provision is filled with dynamite to industry. Before coming to the point raised by the Senator from Kentucky, this bill contemplates that the commission may divide the country into "coal-rate groups," and that then a seasonal rate may be provided in one group without providing a seasonal rate in another group.

I will illustrate. New Orleans is a competitive point, by reason of transportation on the Mississippi River, between the coal fields of Kentucky and Illinois and the coal fields of Alabama. It is often in close competition. You put it in the power of the commission in this bill to say, if they want to do so, either that the New Orleans market shall be entirely monopolized when the seasonal rate is on by the coals of Kentucky and Illinois, or, on the other hand, that the coal fields of Alabama shall have the monopoly, because in the sale of coal as a general rule the freight rate amounts to more than the price of the coal at the mines, and coal can go into competing territory only to the extent that the coal rates equalize each other, or a little farther, and there it has to stop; and where you get a competitive territory that the coal from different districts goes into, if you adopted the seasonal rate for one and did not adopt it for the other, you would exclude from that market the coal from the other coal field.

You may say that the commission will not do it. I will not underwrite that they will not do it. I have seen these gentlemen that run business from Washington do far more remarkable things than that, and do them unwittingly. We have had a trial of this method of running the coal business—of a commission in Washington dipping into the business of people in the distribution of coal—and I can give you an illustration that came to my personal knowledge of how things often go awry because the man sitting in a swivel chair at a roll-top desk here in Washington can not see beyond yonder range of mountains and know what business is doing on the other side of them.

During the war there was a gentleman in my home city who was engaged in the sand business, and about 97 per cent of his sand was dug to furnish to the furnaces and the pipe factories to cast their iron in. One day I got a telegram from him saying that the coal commissioner, the director general of coal of the United States, had taken him off a certain list, and that although he had a contract with the coal mines to furnish him coal he could not get any. He had one of these steam shovels; he did not need more than about 10 tons of coal a month, but he had to have that to supply a large number of furnaces, and he said that the Washington authorities had ordered that he should not have any more coal. He asked me to go down and see what was the matter.

I called on the power that was and he said he was very sorry, but the policy of the Government was to build no more houses during the war, and that as sand was used only for the building of houses my constituent would have to be deprived of the use of coal in digging his sand. I asked him if he had ever looked into the file of papers. He admitted that he had not. Then I opened them, and when I opened the papers and laid the facts before him there were letters and telegrams from these furnace companies saying that they could not cast iron without sand in which to cast it, and that this man's business was to furnish sand for casting iron; and then this gentleman very kindly reversed his order, because it was not prohibited to make pig iron—in fact, pig iron was needed during the war—and authorized this gentleman, a man of small means, to proceed with his business and get about 10 tons of coal a month with which to dig sand.

That was not all. It ran along for about three months, and a new gentleman in charge of this bureau for distributing coal came into office, and he was ordered to economize in coal, of course, and like a good servant he proceeded to do so, not with an overdegree of intelligence, because he also failed to read his files; and he had not been in office many days when I got another telegram from my Birmingham constituent saying that they would not furnish him any more coal, and he had been taken off the list. So I went down to see the next man, and he told me he had sent for the file and had looked at the outside cover, and said that he was sorry, but the policy of the Government was against building houses during the war and he could not allow my constituent to have the 10 tons of coal a month with which to dig his sand. I asked him to look into the file, and when he read the papers in the file and saw that the sand was to aid in the making of pig iron instead of building houses he reversed his order and gave the man the coal, and it ran along the next time for about six months.

Then they got another man down there who was going to sweep clean as a new broom and save coal, and out came another order saying that this man in Alabama could no longer dig sand, cutting him off from his coal supply. He wired me, and I went back to see the next new man, and he had read the outside of the file saying that this 10 tons of coal was going for digging sand, and never opened it. I again asked him kindly to open his file and read it, and when he discovered that the sand was to make pig iron and not to build houses he reversed the order, and the gentleman in Alabama was allowed again to receive his 10 tons a month; but I said to this man when I left: "My friend, this is the third time I have been here. I do not know how long this war is going to last. Would you object to pasting a piece of paper on the outside of the file saying that this coal is used to dig sand, and the sand makes pig iron, and does not build houses, so that your immediate successor may know what is in the file without going through the pains and the difficulty of unstrapping the band and looking inside?"

That may seem like an exaggerated case, although it is an actual one, and it was one of those necessities that grew out of war; but I am tired of war, and I hope you are.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. UNDERWOOD. I do.

Mr. POMERENE. While the Senator is indulging in unpleasant memories, may I be permitted to give him one from actual experience?

Mr. UNDERWOOD. I shall be delighted to have the Senator do so.

Mr. POMERENE. A manufacturer in Cincinnati whose product was in part wood was required to have a certain amount of coal each month, but from the refuse of his woodworking department he got more than half of his fuel. He had a sprinkling system for fire protection, and under this order he was not permitted to use any coal for fuel. Therefore his plant, which employed 300 men, was shut down and he was obliged then to get coal in order to preserve his sprinkling system from freezing, and as a result it took more coal to preserve the sprinkling system than it would have taken to operate the entire plant and give employment to 300 men.

Mr. UNDERWOOD. Undoubtedly; and even that was near at home to the then director general, where he might not have had to look over the mountains and see what was happening. But, Mr. President, with these occurrences during the war, which the people very patriotically and generously accepted because their boys were on the battle fields, it was because of these things, when a great political party placed on its banners the battle cry, "We are in favor of taking politics out of business," that a good many of these people rallied to their flag. Here they are back, putting politics into business just as fast as the legislative machine can grind it out; and, as I say, here is a proposition that you are to put into the hands of a commission here in Washington, that does not know anything about it, the power to make a seasonal rate in one district and to withhold it in another district of business.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Jersey?

Mr. UNDERWOOD. I do.

Mr. FRELINGHUYSEN. Does the Senator claim that the Interstate Commerce Commission know nothing about the coal business or the rates affecting it? They have just made a seasonal rate for the Lake transportation of coal.

Mr. UNDERWOOD. I will come to the Interstate Commerce Commission about this business in a minute. Of course, they are very delightful gentlemen, but they do not know it all, any more than the gentleman that sat down here on B Street during the war and insisted that coal should not be used for digging sand because he had never heard of its being used for casting iron.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I do.

Mr. REED. I have a distinct recollection of some hearings recently had in which it appeared that the chief cause of the coal shortage was a lack of cars, and it further appeared that that shortage had been accentuated by orders of the Interstate Commerce Commission sending cars that ought to have been at coal mines out into different parts of the country in different work.

Mr. UNDERWOOD. The Senator is right, and I am coming to that. The Senator from New Jersey has not gone to the bottom of this. The gentlemen who furnished him these beauti-

ful pictures that hang around the wall so entranced his vision that he has not been able to see behind them; but there is something behind this proposition that I want him to see, and I am glad he is here.

Mr. FRELINGHUYSEN. I think the Senator is unfair in that. I have tried to study the question for two years, and I believe I am right in this measure.

Mr. UNDERWOOD. The Senator recognizes, according to his own language, that this seasonal rate can be put into effect either in the country at large or in districts. That is correct, is it not?

Mr. FRELINGHUYSEN. Why, yes; certainly it is correct, because there is a winter market in certain places and a summer market in other places.

Mr. UNDERWOOD. Then in a competing market, where there are two competing districts, it is entirely possible, if not probable, that this commission may give the seasonal rate to one and withhold it from the other, cut out competition, and drive one coal field out of business or out of the business of that market.

Mr. FRELINGHUYSEN. I can not accept that statement, because I do not believe that is what the commission would do.

Mr. UNDERWOOD. I know; I do not say they would do it intentionally; but I will show the Senator before I get through that they have done a great many things, as to which I do not charge them with any bad motives, that are equally foolish.

Mr. REED. Mr. President, if it will not interrupt the line of the Senator's thought——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I yield.

Mr. REED. The fact is that in many markets in the country coal from five or six different fields meets; it comes from distant parts of the country, and if seasonal rates were made for a certain group of mines it would operate to the disadvantage of the four or five or six other points of production. I do not know of a market in the United States of any importance where the coal is not supplied from a number of districts, some of it being hauled for hundreds of miles.

Mr. UNDERWOOD. The Senator is undoubtedly correct. Now I will come to the amendment offered by the Senator from Kentucky [Mr. STANLEY], which is not only based on common sense and common reason but is based on abstract justice. I am not one of those who indulges in the cry of "Down with the rich and up with the poor." But the man is not worth much whose heart does not feel a sympathetic beat for the man who in dead of winter has to buy his coal by the scuttleful or the half ton in order that his family may not freeze or starve; and here is a bill reported by one of the great committees of the Senate—a committee of which I am a member myself, though I did not join in reporting the bill, a bill brought in and vouched for by one of the great committees of the Senate—which on its face proposes to give to him that hath and to take away from him that hath not. It proposes to give to the great consumer of coal, the man who has storage facilities, the man who buys over a hundred tons of coal, buys it by the carload lots, cheap rates in the summer, and then force the Interstate Commerce Commission to charge the old rate in the winter, but to add on to the winter rate the reduction made in the summer for the benefit of the great consumer, the manufacturer, or the proprietor of the great hotel.

Mr. FRELINGHUYSEN. I know the Senator does not want to be unfair in his argument against this bill. It is quite true that some domestic consumers probably would pay an increased price, say 25 cents a ton, should they buy their coal in the winter, when under this scheme the rate is higher. But suppose the domestic consumer was in the market for 10 tons a year, which is a fair average, the increase for his whole 10 tons would be only $2.50. The object of this bill is not to save money for the domestic consumer in the summer and penalize him in the winter; the object of the bill is to stimulate the purchase of coal during the summer, to take from the peak load of 21,000,000 tons now carried by the railroads in the winter, which causes a scarcity of cars and results in transportation difficulties, and distribute it in the summer time, and avoid scarcity prices, when coal runs to $28 a ton. Is it not worth while to penalize 25 cents in order to save the scarcity prices to the domestic consumer of $5, $10, and even $15 plus in the wintertime? I think the Senator is unfair.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. UNDERWOOD. Will the Senator not allow me to answer the Senator from New Jersey first and then I will be glad to yield?

Of course, I expected the answer of the Senator from New Jersey to what I said. The Senator engages in big things, in big business, with big men. Two dollars and fifty cents would not be much for a man who bought 1,000 tons, to run a great hotel, or to run a manufacturing plant, to keep a ship or a yacht in steam; but $2.50 in the middle of winter to the man who earns his bread in the sweat of his face may mean something, and it is likely to mean more under this Republican rule, with bread lines and soup houses, than it has in the past. It may be very little, but it is not just. That is what I say.

Mr. FRELINGHUYSEN. Mr. President, will the Senator consent to a further interruption?

Mr. UNDERWOOD. Certainly.

Mr. FRELINGHUYSEN. I do not think the Senator meets my argument. I am not making a political speech or a reply to his political speech or his attack on the Republican Party or the administration at the present time. I point to the fact that this bill was before the Congress during the former administration, and it is a sincere effort to avoid the condition which caused so much suffering last year and the year before.

The Senator might object to it, might be against it, but when he says that putting $2.50 a ton on the man who purchases 10 tons means nothing to me, and sneeringly refers to the fact that I am in big business, he is very unfair in his argument, because the point I am making, which he does not answer, is that this seasonal freight rate is an inducement to prevent that domestic consumer from paying $25 or even $50 more for his coal, by reason of the equalizing of the unbalanced load between summer and winter. That is the point I am making.

Mr. UNDERWOOD. The Senator is entirely wrong if he thinks that I was sneering at his position in life, for I was not. I rejoice with the Senator. I merely think the Senator does not see the other side of the question, that is all. I do not think he sees the position of the not one man but the millions who are going to be penalized by this bill, by the Interstate Commerce Commission being required to raise the rate on them, and make them pay it to the extent that it has lowered it on the others.

It may be but very little to each one of these modest coal consumers, and it may save a vast deal to the great consumers of coal in the great markets, but I say a bill which carries that provision in its belly is not just, it is not equitable, and it is not right, and that is why I object to it.

Now I yield to the Senator from Kentucky.

Mr. STANLEY. There is no difference, after all, between the statement made by the Senator from Alabama and the admission made by the Senator from New Jersey as to the effect of this bill upon the very consumers the Senator from Alabama is talking about. I wish to call attention to the colloquy between the Senator from New Jersey [Mr. FRELINGHUYSEN] and the junior Senator from Ohio [Mr. WILLIS], with reference to this matter, when the Senator from New Jersey was addressing the Senate. The junior Senator from Ohio [Mr. WILLIS] said:

> I understand that the purpose of the Senator, as he has said, is to even off the black lines shown on the chart, and he proposes to do that by giving the Interstate Commerce Commission authority to grant a lower rate for the transportation of coal in the summer time, so as to increase the production and the storage of coal in that period. Would not that have this effect, then, that those who can store coal, the large consumers—the railroads, for example, and other large industries which have facilities for storing coal—would get the benefit of the lower rates and the larger production, if the Senator's idea is carried out; but the small consumer, who can not store coal, would have the disadvantage of the relatively higher rates in the wintertime? Would it not have that effect?

The Senator from New Jersey [Mr. FRELINGHUYSEN] answered, "Not to any great extent," and explained the extent, adding this characteristic admission:

> It would to some extent increase the price.

Mr. UNDERWOOD. Undoubtedly, and although I think it would be very much greater than the Senator from New Jersey indicates, that would be the burden thrown on the American people by reason of the passage of this bill. Yet, assuming what he says to be true, that it is slight, it is unjust to say that these people who must buy coal in the winter because they have no storage facilities, who must buy coal in the winter because they have no bank accounts, who must buy coal in the winter because they only have sufficient out of the daily wage to buy from time to time, because they must buy coal in the winter must have a burden put on them in order that the great consumer of coal may buy his coal cheaper in the summer time. That is not just.

I am not making a political speech. I am discussing a bill which the Senator says was pending before the Congress in the last administration, and evidently a Democratic administration would not pass it, and it has now come to a Republican ad-

ministration, and this Republican administration proposes to pass it.

No; the Senator is mistaken; I am not making a political speech. I have sat in silence for over three months, hoping that the Republican Party might do something to pull this country out of the slough of despond. I have sat here trying to be helpful, not hurtful, in its efforts, and I have said nothing about it to-day, because you are entitled to your chance. If the time comes when a political speech will be justified, after you have had your fair chance to save the country, I can assure the Senator from New Jersey he will hear one; but he will hear a real one, and not a discussion of a bill.

But you have brought this bill before the Senate—an unjust bill. The Republican Party is sponsoring this bill. My speech is not a political speech. I am criticizing the sponsorship of the bill which is at the bar of the Senate.

I am not going to take the Senator's time much longer, but I have one other thing to point out. I have indicated how this bill discriminates; but I want you to bear in mind that this bill does another thing besides discriminating. It gives the Interstate Commerce Commission the right to commandeer the cars of the country for the movement of coal, to prefer one industry to another, to take away the cars from one industry and give them to another, putting that industry out of business, and take them from one consuming part of the country and give them to another.

I got into that trap once before without knowing what I was doing; and I think there is an old saying that the first time a man fools you it is his fault and the second time he fools you it is your fault; and I do not propose to be fooled upon this question of discrimination a second time.

In a bill passed about a year ago, known as the Cummins Act, on page 22, section 402, this provision is contained:

> It shall also be the duty of every carrier by railroad to make just and reasonable distribution of cars for transportation of coal among the coal mines served by it, whether located upon its line or lines or customarily dependent upon it for car supply. During any period when the supply of cars available for such service does not equal the requirements of such mines it shall be the duty of the carrier to maintain and apply just and reasonable ratings of such mines and to count each and every car furnished to or used by any such mine for transportation of coal against the mine. Failure or refusal so to do shall be unlawful, and in respect of each car not so counted shall be deemed a separate offense.

And so forth.

Then they also put in the bill, on page 23, under subsection 15, the following:

> To give directions for preference or priority in transportation, embargoes, or movement of traffic under permits at such time and for such periods as it may determine, and to modify, change, suspend, or annul them.

When those provisions were put in the bill it looked like they were put in there for the purpose of preventing freight jams, to encourage the movement of cars and freight, to facilitate the movement of coal where it was most badly needed. That was the way it looked to me. But the law had not been on the statute books a year before certain gentlemen came to the Interstate Commerce Commission and said there was a great shortage of coal in their country, and that they would freeze during the winter if it was not made up, although they had never frozen any other winter. They wanted certain coal diverted. The Interstate Commerce Commission fell for it and issued an order commandeering all the open cars in the United States for the coal business, and they quickly supplied the needs of the particular neighborhood which wanted a supply of coal for the winter.

Then there was a great demand for coal for foreign ships, and they allowed open freight cars to be loaded for that purpose. Of course, it is understood that coal can not be loaded in box cars except at great expense. The only cars in which they can possibly handle coal are open dump cars. They loaded those cars and allowed them to be carried to the ports; and because the ships did not come in to unload the coal they allowed the cars to remain there indefinitely, using the cars for storage purposes, and taking the coal that the American people were badly in need of, and maintaining a high price for coal during that entire winter because of this order.

That was not all. There are a good many other businesses that need open freight cars. People engaged in other work, especially in the shipment of lumber for house building, of bricks and other building materials of all kinds, or materials for use in road building, slag, cement, or gravel must have open cars for that purpose. The result was that the order went so far that they took all the available open cars in the United States and diverted them to the ports practically as a storage place for the men who could export coal during that year at a very much higher figure than they could sell it for in the American market, and to such an extent businesses in my own community that I know of were absolutely shut down and men turned out of employment because they could not get open cars to move their raw materials to their places of business or to move their finished products away.

Now, in addition to what they already have on the law books to encourage this procedure, they are going to put a premium on doing so by changing the freight rate.

I have never found the day when the battle cries and the maxims of the Republican Party appealed to me much. The battle cry in the last campaign of taking Government out of business was an alluring one, but for myself I am willing to stand on the Jeffersonian principle that that government which governs least governs best, and there is no reason at this time for the Government of the United States dipping its hands any further into private business. Therefore I am opposed to the passage of the bill.

### THE GENERAL FINANCIAL SITUATION.

Mr. WATSON of Georgia. Mr. President, yesterday morning's Washington Post contained an editorial with the heading "Financing the loans." The article proceeded to discuss a question which is now virtually pending before the Senate as to giving to the President and Secretary of the Treasury broad power over the foreign loans made by the preceding administration during the war.

I wish to read one paragraph of the editorial. After alluding to the fact that the present Senate seemed reluctant to give the Secretary that unlimited power over foreign loans, after alluding to the fact that the Senate seems to be suspicious of this administration, the editorial proceeds:

> This expression of doubt and suspicion is in marked contrast to the attitude that Congress assumed toward the last administration during the progress of the war. Then vast sums were voted in the twinkling of an eye for the national defense, and placed in the hands of executive officers to expend according to their judgment in the public interest. The President of the United States was voted $100,000,000 with which to do as he liked, Congress placing implicit confidence in his judgment and integrity; billions were placed at the disposal of Cabinet officers; more billions were granted the Shipping Board for the building of a merchant marine, and through it all no sinister doubts assailed the patriotic men who controlled the Nation's purse strings.

The situation in which the Congress placed the stupendous power in the hands of the Democratic administration was totally different from that which now exists when similar powers are asked for. The Washington Post, indefatigable in its upholding of the present administration, wants to know why it is that the Congress now has doubt, now has suspicion, now hesitates about placing in the hands of the Secretary of the Treasury these unlimited powers over such almost infinite sums of money.

It is difficult, in language entirely parliamentary, to say why the Senate is becoming doubtful and suspicious. Very briefly I will state some of those reasons.

We were told that as soon as the new administration came in—and that was one of the promises which brought them in—we would call our soldiers home from the Rhine and stop doing police duty for France, while France is using our money to extend her imperial domain in Africa and in Asia Minor. We were told that they would be brought home. We are now told that they do not want to come home. Who tells us so? The people who are keeping them over there. The soldiers are not heard; they can not be heard. However, I am slow to believe that an American citizen with the usual ties of family, friendship, and neighborhood is reluctant to come home from a far country when he was conscripted into that service and now has the opportunity to come.

The people were told, as a part of the inducement which drew the 7,000,000 majority vote to the Republican standard, that as soon as Congress could pass a peace resolution Mr. Harding would sign it. In the Senate, without loss of time, we passed a peace resolution. What has become of it? Where is it? What delays it? What magic wand of enchantment has been waved over it and paralyzed it? The people have seen what is going on and have seen what is not going on. They have seen week after week, month after month pass by, and the peace resolution hung up in the House. Who controls the House? Who has more authority over it than the House leader, Mr. MONDELL? Who is in closer touch with the President than the floor leader of the House? Who can exert more power over the other branch of the Congress if he chose to do it?

The people know that if the President said "Pass that resolution," it would pass. They believe that, directly or indirectly, Executive influence has kept the House of Representatives from echoing the views of the Senate. Therefore the people hold the President, they hold the House, they hold the Republican Members of this Chamber responsible for the delay of peace which has kept closed to us the markets of Germany

and Austria, open only to those big exporters who can secure licenses to ship commodities to central Europe.

Mr. STANLEY. Mr. President, will the Senator from Georgia yield?

Mr. WATSON of Georgia. With pleasure.

Mr. STANLEY. Has the Senator seen a copy of a morning journal which is published here in Washington by a man who is alleged to be, at least, a very great man and who is very close to the President?

Mr. WATSON of Georgia. I glanced at the morning Herald, I will say to my friend from Kentucky, but I may not recall the article to which he refers.

Mr. STANLEY. There was a very interesting picture of an old lady playing hob with an automobile in a rocky road, formerly chauffeured by one Woodrow Wilson. The old lady has got the machine and the works fixed; and somebody has been blasphemous enough to put a plume in the old lady's hat and to dub it "Senatorial leadership."

I am a little surprised, however, that the Senator from Georgia would reflect, even inferentially, upon the President of the United States for the one good thing that he has done lately. If he has had anything to do with putting that infamous peace resolution to sleep, I will remember him in my prayers.

Mr. WATSON of Georgia. Mr. President, after having heard the extremely eloquent speech which the Senator from Kentucky made against the Knox resolution, I am not at all surprised at his remarks.

There is another thing, Mr. President, that planked the chasm over for the Republican candidates as they crossed the ravine between failure and brilliant success, and that was disarmament. These prodigious outlays of the people's money for the building of battleships, the maintenance of armies, preparations for war, airplanes to kill from above and submarines to kill from below—all this was to be checked, and the President was, soon as possible, to put his tremendous influence back of a movement for disarmament.

We passed the Borah resolution. It seemed to us at first that there was great opposition to it from the other side, but all at once it was whispered around the corridors and to us here on "dynamite row" that the presidential opposition had suddenly been withdrawn, and that the Borah resolution would receive a unanimous vote on the other side. The incredible news at first staggered belief, but it was verified on the roll call. But where is the Borah resolution? We now have the floor leader of the other House saying that the Borah resolution amounts to nothing. The substance of what he said is carried in this headline:

Borah amendment not to tie Harding, asserts Mondell.

The floor leader, Mr. MONDELL, had been recently in conference with the President of the United States. Can Senators expect confidence to be built upon broken pledges? Did any private individual or any group of individuals or any Government or any party ever build a solid superstructure of trust upon the frail foundation of broken pledges? That is the situation before us.

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

Mr. WATSON of Georgia. With pleasure.

Mr. FLETCHER. I know the Senator from Georgia wishes to do the really unwieldy majority in both the other Chamber and this full justice for all it has accomplished. We remember, of course, the very definite pledge for strict economy made by them, but I presume the Senator from Georgia has been unable to find where that has been as yet practiced. However, there is another thing the Senator will undoubtedly recall, for which they ought to be given credit, if any credit is due, and that is they did pass the emergency tariff bill.

Mr. WATSON of Georgia. Yes; but neither has it lifted anybody out of the emergency. I have not heard of it having done any good to anybody, and I will thank any Senator on the "unwieldy majority" side to indicate and specify the industry, the community, or the individual that has been benefited by the emergency tariff bill.

I will read another headline, Mr. President:

Hoover opposed to Federal aid to cotton men now.

Now is the time they need it. When are they to get it, if not now? Are they to get it next year or the next decade? Are they to get it when the farms have been made deserts, when the merchants have been closed out and the banks been thrown into insolvency?

You will find from the record, Senators, that between October and May last there were 10,000 failures in the United States, 7,000 more than during the corresponding period of the year previous.

Senators heard the statement which was made when a bill came before us to give two additional lifetime judges in order to relieve the congested dockets in New York. They heard the distinguished chairman of the Committee on the Judiciary, the Senator from Minnesota [Mr. NELSON], state that, partly on account of the increase in bankruptcy cases in New York, he believed they not only ought to have two new judges but that they should have four. The State of Georgia is in the same situation and wants one or two or three or four additional judges.

Mr. President, briefly I beg leave to call the attention of the Senate to a bill which I introduced here some time ago to make Government bonds legal tender; in other words, to monetize the bonds. If that were done, immediate relief would be afforded. If it is not done bankruptcies will continue.

The Federal Reserve Board, Mr. President, is, financially speaking, the United States Government. It is not the national banks; it is not the saving banks; it is not the State banks, but it is the United States Government controlling its finances, and the Supreme Court of the United States is my authority for saying that the Federal reserve banks are waging war upon the State banks; and they are waging war upon the cotton growers of the South, and no doubt also upon the wheat, corn, and other grain growers of the West, as well as the live-stock producers of the country. I have here on my desk letters from cotton factors in the city nearest to my residence—37 miles away from my home—which indicate that those cotton factors are saying to the country banks who owe them and to the individuals who owe them, "You must pay up; you must pay up now." The pressure comes from the Federal reserve banks; in other words, from the Federal Government. The demand is, "Sell out the cotton now before the new crop comes in; sell it out, although it only brings 8 cents or 9 cents or 10 cents, when the cost was 30 cents a pound to produce it."

Think of it, Mr. President, the United States Government making war upon its own people, desolating its own industries; bringing havoc among legitimate business houses all over the Union, driving men to desperation, causing the loss of homes, the loss of jobs, filling the highways and the byways with an army of unemployed, and yet we have three and a quarter billion dollars of gold hoarded in the Treasury waiting for somebody to come and eat it or to drink it or to wear it! What is that gold reserve doing banked up, useless, in the Treasury?

During the Civil War the Union Government financed the armies of Sherman and Grant, of Sheridan and Thomas, with greenbacks that never had a gold dollar back of them. Immediately after the war the Government began to destroy those greenbacks, and the process continued until President Grant, in 1873, ordered it stopped, leaving only $346,000,000 undestroyed. In the panic which occurred at that time came "Black Friday," on which occasion there came about such a universal crash that it seemed that the whole industrial world was falling. Black Friday! I remember it, because that was the crash, the panic, in which my father lost the home that had been ours since our ancestors went forth from it to fight the battles of the Revolutionary War.

The first that this country ever knew of a gold reserve was when the then Secretary of the Treasury, the Hon. John Sherman, arbitrarily set aside $100,000,000 in gold to secure those greenbacks. They did not need security. Those $346,000,000 of greenbacks were based upon the credit of the Government, upon its power to tax every acre of land, every mule and horse, every herd of cattle, every stock of merchandise, every income in the land; they were based upon the innate strength that bears up the bonds of the Government. The bonds of the Government rest upon no better foundation than those Treasury notes. Secretary Sherman having established the gold reserve, Congress many years later legalized it and increased the amount to $150,000,000, taking that gold away from circulation, where it competed with the interest-bearing notes of the national banks. That is the only reason why the gold is hoarded in the Treasury—to give a free field, without competition, to the interest-bearing notes of national banks. Here are the Federal reserve banks—in other words, the United States Government—boasting of the fact that they made 100 per cent profit—out of whom? Out of the users of borrowed money East and West, North and South.

Senators, what business has the United States Government to make 100 per cent on the money that it supplies for filling the channels of trade and to keep up the struggles of industry? With the Government making 100 per cent upon those who have to borrow money, that profit will be compounded, more gold

will be bought and retired from usefulness, another 100 per cent made and more gold bought and retired from usefulness, until this Government will own all of the available gold supply of the whole world. For what purpose?

We have been spending money here by the hundreds of millions preparing for war, and Secretary Weeks, in his speech last week, said that we ought not to hesitate; that we, the Cabinet, we, the men in power, know some secrets that we are not at liberty to disclose; we know the need for these big navies and big armies. If his words have any meaning at all, his statement amounts to this, that he knows that we are drifting into another war, and I ask you this: Which will be the more important to you as a preparation for another war, your battleship or the crew that mans it; your regiment or the men who hold the guns; the men in the ranks and in the uniforms or the countless millions who toil in shop and mill and mine and farm to feed and clothe those men while they are doing service for their country?

Talk about preparedness for war. What is a saner preparation than to maintain the confidence, the respect, the loyalty of the people? Because no matter how many battleships you build nor how often you increase your Army the real strength of any nation is in the strength of the arms of its men.

Who took these bonds and financed the war? Suppose you destroy their confidence; will they take the next issue of bonds? Here are the prospectuses issued by Secretary McAdoo. He said to the people: "Buy these bonds. Pay 100 per cent for them. Pay 2 per cent down." The hook was baited, if I may so say without disrespect, with the 2 per cent, which almost anybody could rake up. "Pay down your 2 per cent, and get hooked to a bond." The propaganda was made almost coercive. No man could refuse to pay his 2 per cent and preserve the respect of those who surrounded him, nor, indeed, his own self-respect. He had to buy them. Great blocks of those bonds were issued to the big banking houses and other big concerns throughout the Union. Did the directors and the presidents and the stockholders of those banks and those big factories and manufacturing companies and mining companies, and so forth, buy the bonds themselves? By no means, Mr. President. The word went down from the captain's office, and the assistants in the outer room had to buy. The stenographers had to buy. The typewriting girls and boys had to buy. The very elevator boys had to buy; and it may be said with moderation that in the history of the human race there never was such a universal subscription to the bonds issued by a Government. They pulled in everybody who could rake, scrape, borrow, or get in any other way the 2 per cent, sometimes by sacrifice of live stock, sometimes by a mortgage on the home, sometimes by making a note at the bank with personal security.

Mr. President, a Government ought to keep its word. Above all things, a Government ought to keep its word with the men who shed their blood for it. I heard discussed here the other day a soldiers' bonus bill. The land is full of destitute ex-service men, some of them in employment, tens of thousands of them seeking employment, some of them with food to eat and some with none, some of them with whole bodies and some with maimed bodies, some in the hospitals, some dying by the roadside, as pitiable a spectacle as this Republic ever did show; and we tell these starving, jobless men in the soldiers' bonus bill reported out by a Republican committee—and you have got to face the country on it, too, and you have got to do it next year—that, a year from now, they can get $50! What will they live on between now and next year, when they will get the $50? Do you want them to beg in the streets? The laws of Rome were once changed because a veteran of the legions, who had fought for his country in distant lands, bared his breast and showed the wounds he had received in following the eagles of Rome. The same sort of veterans followed the Stars and Stripes, the eagle of our country, and now they are neglected, suffering, dying, and the best that the Republican Party can promise them is that if they can live on blackberries or live on persimmons, and live on other natural products of the soil, or upon charity, for another year, they will get $50! There is statesmanship for you!

If some leader of the Republican Party—robust, clear-thinking, big-hearted—were to point to that three and a quarter billion dollars of gold and say, "We will take it and pay the soldiers' bounty out of it," then you would be doing something, and, for once, Wall Street would get a lesson. Money that is useless is money that need not exist. Money was made to circulate, and nature did not make it. From the time of Aristotle down to the time of Adam Smith, and to the political economists of our own country, you have heard that nature does not provide money, but that government and the law produce it.

What were the inducements held out by Secretary McAdoo when he sold these bonds? I have them here, page after page. Think of it! A Government bond below par! Why should it be, if the Government had not repudiated those bonds through the Federal reserve banks? That is what they have done. They have knocked those bonds. The Government has trampled upon its own pledges to pay. The Government, through its Federal Reserve Board, has refused to lend money on these bonds. They have put these bonds in a subordinate place to the bonds of counties, States, and municipalities. No wonder they sank in value! I could read you here letter after letter from all sections of the country speaking of individual instances where they bought bonds, from $10,000 to $100,000, and from that up to $250,000, and have held them, on the faith of just such promises as this, made by Mr. McAdoo, Secretary of the Treasury:

A rich reward is offered to the buyer of Liberty bonds.

He will reap it. It was promised, and he got it. He has a loss of $15 on the hundred on every one of those bonds.

There is only one thing in the world better than a gold or silver certificate, and that is the United States Government bond.

The gold certificate still goes at par, at face value. The bond has belied the statement made by the Secretary of the Treasury.

Again he said:

The Liberty bonds are practically as good as cash and they pay interest. They can be used for as many purposes as cash without the risk of actual cash. You can get your money practically as easily as you can from a savings bank.

That was the promise, made by whom? By the Secretary of the Treasury, who was selling these bonds. He told the people to come up and buy them, that they would be better than a gold certificate, better than actual cash, because they had with them that provision of safety-bank deposit, in that they bore interest until he was ready to cash in and when he was ready to cash in he could get 100 cents on the dollar. There is the promise. It was broken. Broken by whom? By the Government, and the Government is to-day turning with relentless persistence the same wheels of despotism that are grinding out the life of the people.

England has four and a half times as much money in circulation as she had before the war. France has seven times as much as she had before the war. We have less than we had before the war, and we have 13 per cent less, according to the loanable funds of the banks, than we had prior to the war.

Senators may think that an investigation reaching into months will bear fruit. It will be too late. They may establish farm loan banks which will lend money in 90 days to men who need it now. They will be too late. You may create your foreign corporation board to export our products. It may get into operation six months from now. It will be too late. If we can go that far, we can go all the way. If the Government wants to break its word, or keep on breaking it, let it keep on breaking it; but next time you call on the people and ask them to put faith in the promises of the Government they will mock you with the broken promises that are now bringing them down into distress and ruin.

In the report of John Skelton Williams, Comptroller of the Currency, he states that four or five of these reserve banks in the city of New York borrowed as much of the loanable funds of the Federal reserve system as four or five thousand banks in the 21 States which were being served by those banks. He states here, leaving out the name, that one borrower had twice as much of the banks' loanable funds as were loaned by the reserve bank at Dallas to the States of Louisiana, Oklahoma, New Mexico, and Arizona—one borrower! Who was that borrower? I could take two guesses, and stake my head on getting the man in one of the two. It was either the J. P. Morgan banking house, or it was the Packing Trust of Chicago.

Is there any precedent, Mr. President, for making these bonds as good as money, and making them circulate as money? Doubtless you will remember, Mr. President, just after the Civil War, when the bonds of this Government did issue and circulate as money. You will remember something like this, in the report of the Secretary of the Treasury, dated September 1, 1865, which carries you and me back, Mr. President, to an early stage in our lives. The following items appeared in the table of money in circulation:

Compound interest, legal tenders, $217,000,000. I give the round figures only.

Temporary loan certificates, $107,000,000.

Certificates of indebtedness, $85,000,000.

Treasury notes, 5 per cent, $32,000,000.

Last issue of the 7.30 bonds, $830,000,000. They were bonds issued as money. They paid the soldier on the battle line,

they paid him while he marched, they clothed and fed him in the camp, but they were bonds, and they were made legal tender until the time came when Wall Street sharks, as they do now, wanted to turn everything into interest-bearing bonds, destroying the circulation of the country, the money which actually reached the people, filled the veins of trade, stimulated enterprise everywhere, and made even the South—prone in its agony, in its sackcloth and ashes, in the midst of its burned cities and ruined farms—rise as if by a sudden inspiration and spring into a new life that made the desert blossom as the rose.

We were told, Mr. President, that if these Federal reserve banks were established we would have an elastic currency and no panic. What has become of the elasticity of our currency? It is gone. What has become of the cure for panic? It has become the cause of the greatest panic this country ever knew—the retirement of money, the contraction of the money, the deflation of the money, as they choose to call it.

Who fixed the amount of the damages which the armies of Germany and Austria had done to Italy, France, Belgium, and Great Britain? The Germans did not do it; the enemies of the Germans did it, and after all it was $31,000,000,000, done by four years of operations of the greatest armies that ever came from northern Europe to bear down upon their hereditary enemies, after a titanic struggle of armies which would have swallowed up the armies of Sheridan and Grant and Sherman, of Lee and Stonewall Jackson. You could not have found them in those vast arrays of men on the German side. Yet, after four years of destruction, after four years of frightfulness, after four years of devastation on land and sea, when the enemies of Germany come to bring the expense account against them they make it thirty-one thousand million dollars.

Here is a faithful servant of the United States Government, John Skelton Williams, Comptroller of the Currency, who estimates that up to the time he made this report last year our own Government, acting through this reserve board, had accomplished almost as great a destruction of values in this country as Germany had inflicted upon France. Twenty-five thousand million dollars is what Mr. Williams estimated it last year. The destruction has gone on. As Gov. Cox said in that special article which appeared in yesterday's paper, we have not reached the bottom; we have not reached the worst. It is going on from bad to worse, and no man can tell what the climax of the panic will be.

Therefore it is not an exaggerated statement to say that up to the present time, and in the contemplation of the immediate future, whose consequences are bound toward us and will reach us, these reserve banks have inflicted upon our own people as great a loss as the German armies inflicted upon all their foes.

Mr. President, I have offered a simple remedy which will enable the Government to keep its word, which will relieve an immediate necessity, which has the authority of a fixed precedent, and which is so entirely practicable that I do not see how any man can object to it. Why should not the bond be worth 100 cents on the dollar, when the Government sold it for that, got that much money away from our people, and pledged its word to redeem its debt?

You may say, "The time of maturity has not arrived." That is true, Mr. President, but the inducement held out was that these bonds could never depreciate, that they would always be as good as money; that they could be used as money; that they were even better than money, because when a man was not spending them they were in his pocket drawing interest.

I am simply asking by my bill, which is now before the Committee on Agriculture, that this Government redeem its pledge, revive the confidence and the hopes of the people, and thus make it absolutely certain that in the future, if we need more money from the people to finance any war, it can be obtained as easily as it was before.

## SEASONAL COAL RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1806) to further amend the interstate commerce act, as amended, to provide for seasonal rates for the transportation of coal.

Mr. FLETCHER. Mr. President, I desire to submit a few observations in connection with the bill now pending, and on subjects related to the pending bill, matters which will be presented in due course when the amendments proposed by the Senator from Wisconsin to the pending bill are laid before the Senate.

It is claimed the bill to amend the interstate commerce act by adding a section, a new paragraph to section 15a, expressly providing for seasonal rates for the transportation of coal, if enacted into law will, first, stabilize the price of coal; second, do away with the necessity, in large part, for more coal cars; third, remedy the existing inadequacy of terminal facilities; and, fourth, promote regularity of employment in the mines, thus settling most of the grievances of the miners.

Much of this is speculative. Unquestionably, the present situation is unsatisfactory to everybody. The measure has merit, it seems to me, in that it proposes a way to have something done which will enable steps to be taken toward some relief. I am impressed that it will be helpful to the railroads, especially in some regions. It will be of some advantage to the mine owners and operators. If it does nothing more than eliminate some excuses for oppressing the public, it will be worth while. The public has been imposed upon, not to say robbed, and the reasons given as excuses for it have been some of the things this measure proposes to correct.

That it will be a benefit to the mine workers seems quite probable. If it accomplishes what it is claimed in effect it will accomplish—the regulation of employment and better working conditions—that alone would justify its support. There are possibilities in all these directions, very strong probabilities, indeed, as to the latter, and, therefore, I intend to vote for the bill.

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Ohio?

Mr. FLETCHER. I yield.

Mr. WILLIS. I understood the Senator to say that in his opinion the bill would be beneficial to the mine workers. Would the Senator mind saying right here how the bill is going to be of benefit to the mine workers?

Mr. FLETCHER. It would tend to give them steady employment and regular work. I do not say that it will accomplish that fully, but that will be the tendency of it, and that has been the great trouble, as I understand, in connection with the mining of coal.

Mr. WILLIS. Did the Senator hear the statement made by one of the able proponents of the bill the other day that in his opinion this legislation would make it possible to get along with 25 per cent fewer miners than we have now? We now have 762,000. If that be true, this legislation would have the effect of doing away with the services of 200,000 miners. Does the Senator see how that is going to be of benefit to the mine workers in the present industrial conditions of the country?

Mr. FLETCHER. Of course, if that should be the result, it would not be of any benefit to those who have been displaced or put out of work; but I can see very well how it would be better for the men to have fewer men engaged in mining at reasonable wages and under proper working conditions than to have more men, dissatisfied, poorly paid, and living under bad conditions, engaged in the same work. Notwithstanding some people may have to find something else to do, that is better than to go on under conditions which are unremunerative, which bring about dissatisfaction, strikes, and lockouts, and all that sort of thing.

It is unnecessary to dwell in detail upon the needs of the legislation and what it is intended to accomplish. Others have done that. It will be noted that the commission is to act whenever the commission is of opinion that an emergency affecting the transportation of coal and requiring immediate action exists. I would be inclined rather to broaden the authority. Surely it is limited and restricted enough. Whether the consumer, the public in general, will experience any or much benefit from such a law as proposed, I have grave doubts. I am very much afraid you will not help the consumers much until you go after the dealers. They have talked about the high wages paid the miners, the high rates of freight paid the railroads, and the high expenses of delivery, thereby attempting to lay all the blame for high prices paid by consumers on others.

The truth has been all the time that while these various elements and agencies afforded some ground for the claims of the dealers, they have themselves been the real profiteers. In my judgment, the Federal Trade Commission or some other agency of the Government should give attention to the coal dealers and distributors. There is perhaps legislation sufficient for that purpose.

What I particularly desire to consider in a sort of condensed way are the amendments to the bill proposed by the Senator from Wisconsin [Mr. LA FOLLETTE]. The first amendment is that section 15a of the interstate commerce act, as amended, being the section added by section 422 of the transportation act of 1920, be repealed. Other amendments equally important are offered, the object being to repeal the guaranty of earning provisions in the transportation act, to restore the jurisdiction of State commissions, and strengthen the authority of the Interstate Commerce Commission respecting the fixing of reasonable rates and prevention of discrimination.

These are matters which should command the most serious thought and the most careful action. I must say that these proposals are timely, and the strongest support they could have is the support based on experience. The transportation act has been in effect 16 months. It has been a tragic disappointment. There have been failures all along the line. The railroads claim to be practically bankrupt, the workers dissatisfied, the public squeezed by intolerable burdens, credits exhausted, traffic reduced, industries crippled, and commerce halted.

Transportation is vital to our economic life. Facilities adequate and at reasonable cost for the movement of passengers and commodities are necessary and the progress of the country is in large measure dependent upon them. They may be so insufficient or so expensive that they fail to serve their purpose. Although the railroad companies have had control of their properties, respectively, for the past 16 months, they not only have not reduced war-time charges for services rendered but they say frankly they see no prospect of price reduction in the near future. That is not satisfactory to the people of the country. They want assurances quite different from that. If that is the best you can do after 16 months of untrammeled operation, it would seem some change in the law is called for.

Mr. REED. Mr. President——

Mr. FLETCHER. I yield to the Senator from Missouri.

Mr. REED. Does the Senator intend to discuss in connection with that the proposition that wages are fixed and that the railroads are not allowed to regulate wages?

Mr. FLETCHER. I expect to consider that further on in my remarks. I am getting to that now. I say untrammeled operations. I do not mean, of course, to exclude those regulations and those provisions in the law which to some extent do not give the railroad corporations that free and full control which would be implied by the use of the word "untrammeled," perhaps, but I shall get to the question of wages in a little while.

The people ask the question whether or not the provisions in the transportation act respecting rates that would yield you a certain return on the value of your property has not prompted you to pay extravagant salaries, made you indifferent as to expenditures for supplies, and led to inefficiency and waste. They ask if the railroads have disregarded the rights and interests of the people, resting securely and serenely on the privilege to adopt such rates as will yield a certain return.

If the effect of these provisions has been as indicated, then they had better be repealed. The railroads never troubled to bring up the wage question for something like a year, although asserting that wages have been a bar to a reduction of rates. They seem content to rest on their quasi guaranty and let the public pay. The public is not willing to be treated that way.

If the Labor Board has stood in the way of relief I would favor repealing outright the whole of title 3 of the transportation act. Up to this time that feature in the act has not worked as was hoped. It, too, has been a disappointment. Neither the railroad owners nor the agencies of the Government have been properly considerate of the public. They have all presumed upon the patience and forbearance of a long-suffering people. I hope they have not relied greatly on the supposed stupidity and lack of interest on the part of the public. The people have been quite well informed about what has been going on. They have been keenly concerned, and they have about reached the conclusion that the law should be changed and present practices and conditions made more endurable.

I voted against what was known as the Cummins bill, and I was opposed to the Esch bill, but I voted for the conference report, which I felt was better than either, and offered the last and only chance for any legislation which I felt was needed before the railroads were returned to their owners at the time fixed by the President, March 1, 1920.

The conference report, now the transportation act of February 28, 1920, has had 16 months' trial. Our experience under it has been terrible. I am not convinced that the hardships and troubles experienced were necessary or unavoidable. There has been divided authority and divided responsibility, a stripping of the Interstate Commerce Commission of some of its original functions, and an assumption of some of the powers of the State commissions, all of which have combined to bring about the present situation. As far back as April 12 last, the President, impressed by the seriousness of the situation and the need of improvement, in his address to Congress said:

> To-day American agriculture is menaced and its products are down to prewar normals, yet we are endangering our fundamental industries through the high cost of transportation from farm to market.

And again in the same address he insisted—

> Freight-carrying charges have mounted higher and higher until commerce is halted and production discouraged. Railway rates and cost of operation must be reduced.

Three months have gone by since that address. Is there a reduction of rates? Where is even the promise? The press recently carried a statement, which I presume is correct, as follows:

> RAILROAD PAY ROLL $3,733,816,186 IN 1920—INCREASE OF NEARLY A BILLION DOLLARS OVER AMOUNT PAID IN PREVIOUS YEAR—FIGURES OF 1917 DOUBLED—RETRENCHMENT POLICY REFLECTED IN DECREASE IN PAY ROLL IN FINAL QUARTER.
>
> The pay roll of the railroads in 1920, after giving effect to the various increases in wages awarded to railroad labor during the year, was approximately $3,733,816,186, and the average number of workers for the year was approximately 2,054,160. When full reports have been received of May and June back pay disbursements the final figures reported by the Interstate Commerce Commission will probably exceed the above figures considerably.
>
> In 1919 the pay roll was $2,836,800,000, or $897,016,186 lower than in 1920, while the number of employees averaged 1,913,000. In 1917 the total pay roll was only $1,739,482,142, and the average of employees was 1,732,876. From the commission's figures the 1920 pay roll was as follows:

| | |
|---|---|
| First quarter, old basis | $795,616,330 |
| Second quarter, old basis | 801,063,938 |
| May and June, back pay | 102,419,680 |
| Third quarter, new basis | 1,052,109,451 |
| Fourth quarter, new basis | 982,606,787 |
| Total for 1920 | 3,733,816,186 |

> When it became increasingly evident in the latter part of the year that business was starting to slide downhill, and factory shutdowns were announced in great numbers all over the country, the railroads realized that retrenchments were in order. They had just carried a record volume of freight, and were straining every faculty adequately to maintain their rolling stock so that that traffic could be handled properly. As the volume of freight offered began to decline the roads found that it was absolutely necessary to cut operating expenses to meet decreased revenues. Thousands of men were laid off, and this was reflected in the decrease in pay roll in the final quarter.
>
> In some quarters the fear has been expressed that some of the roads have been overzealous in cutting down working forces, and that this will be shown when business begins to improve and these roads are unable immediately to meet the demands placed upon them. In conservative quarters, however, this is not considered probable, in view of the fact that labor is not scarce and that men may be found to fill the jobs.

Notwithstanding the American people were paying $3,800,000,000 for wages to the railroads for their employees in 1920, which was $1,000,000,000 more than the gross receipts of the railroads in 1915, no action was taken by the Labor Board until about June 19, 1921. In other words, the gross receipts of railroads in 1915 were substantially $2,800,000,000 and in 1920 the railroad wages alone were, in round figures, $3,800,000,000. After that experience under high transportation rates and after a solemn investigation lasting over a year, that august body, the Labor Board, decided to act as indicated by this statement.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Missouri?

Mr. FLETCHER. Certainly.

Mr. REED. Does the Senator think that the failure to reduce wages, if it ought to be done, can be charged to the railroad companies under the present state of the law, or should it be charged to the failure of a Government board that has jurisdiction over the subject matter?

Mr. FLETCHER. I think, in the first place, as I have just stated, that the railroad companies themselves did not seem to desire to raise the question as to what was at the bottom of this great increase in rates. They did not seem to desire to confront the question of high wages at all. They seemed to be willing to drift along, and they did not need to do anything else, because under the provisions of the law the public had to pay and not the railroads themselves in the last analysis. The railroad companies delayed taking any action in the matter. They allowed it to go on and on. The rates continued to pile up.

There have been several rate increases in southern territory. In the first place, there was an increase of 25 per cent in southern territory on June 25, 1918. The next increase in southern territory was of 25 per cent on July 29, 1920, an increase of 25 per cent without any question being presented, so far as I can find in the record anywhere, by the railroad companies to the Railroad Board raising the issues as to the amount of wages being the cause of these increases. The railroad companies did not raise the question.

The Labor Board itself, in my judgment, has failed to meet the emergency. I am in favor of getting rid of the dual responsibility of the Interstate Commerce Commission to fix rates that are reasonable and just and of another body just across the street to fix wages, because one depends to some extent on the other, and one can hold back and refuse to act until the other acts.

Mr. KING. Mr. President——

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

Mr. FLETCHER. Certainly.

Mr. KING. I think the criticism just made by the Senator of the Cummins-Esch bill, if I understood that criticism, is entirely warranted. The provision to which he is now addressing himself I think is a very impolitic one. The Interstate Commerce Commission know what the rates are; they have to impose the rates, and they are in a better position than any independent board to determine the relation which the wages must have to the rates.

But what I was about to ask the Senator was this: Has not the part which he is now criticizing, or to which he is referring, discouraged any effort upon the part of the railroad managers to bring about an equalization of wages, or in some instances a reduction of wages? Have not they rather desired to perpetuate the status quo than to readjust with a view to a general reduction of freight and passenger rates?

Mr. FLETCHER. Of course, I can not answer from any personal knowledge on that subject. From all I have been able to gather, however, there is a great deal in what the Senator suggests. The disposition was to let things drift along without taking any steps to correct what was apparently an intolerable situation.

I am inclined to think that something should have been done and might have been done, and, of course, primarily, I presume, under the transportation act, Title III, which created the Labor Board, that was the body that should have acted on the question of wages.

Mr. CUMMINS. Mr. President——

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

Mr. FLETCHER. I yield to the Senator.

Mr. CUMMINS. I understand the Senator from Florida to assert substantially that nothing was done by the Labor Board for many months and that it is due, partially at least, to the inaction of the Labor Board that the railroads have been compelled to pay the high wages which make up the labor bill for 1920. Does the Senator remember when the Labor Board was organized?

Mr. FLETCHER. Mr. President, I am not advised as to the exact date when that board was organized. There may have been some delay about creating the board, and, if so, the board is not to blame for that, but somebody else is to blame for it.

Mr. CUMMINS. If the Senator will allow me, I can inform him upon that point.

Mr. FLETCHER. I am trying to say that they acted, so far as I am advised, only on June 19, 1921.

Mr. CUMMINS. Precisely. The Labor Board was organized about the 1st of April, 1920, or a few days thereafter.

There was pending when the Labor Board was organized a dispute between the railroad administration, the director general, and the employees of the railroad companies, which, in the aggregate, involved more than $800,000,000. That dispute arose in September, 1919. It ought to have been settled by the director general then having charge of the railroads under the recent administration. It was not so settled, however, but was deliberately passed on, to be adjusted by the Labor Board when it came into existence under the transportation act. The Labor Board immediately took jurisdiction of that dispute, and both the railway men and the railroad companies were busy every moment of the time in arguing or presenting to the Labor Board the case, involving, as I said before, more than $800,000,000 annually. That dispute was decided in July, 1920—within about three months of the organization of the board. While I am not called upon to defend the Labor Board, I venture to say that for diligence and for energy in bringing that dispute to a final conclusion, the record of the Labor Board has rarely been equaled in American affairs.

What was the result? The Labor Board rendered its decision in July, 1920, sustaining to a degree the contention of the laboring men, sustaining it to the extent of adding to the labor cost of operating the railroads $700,000,000 annually; not only sustaining it prospectively but compelling the railroads to pay retroactively or retrospectively from May 1, 1920.

At the same time there was brought forward to the Labor Board the question of the validity, the binding effect, of certain so-called national agreements, which largely affected the wages of the men employed upon the railroads. Those national agreements had been entered into in the latter part of the year 1919 and in the early part of the year 1920 between the Director General of Railroads and the brotherhoods and the other unions of which the railroad men are made up.

The Labor Board continued those national agreements, because it held that until disputes came up regularly, originally between the railroad companies and the railroad men, company by company and union by union, the national agreements should be continued. Those agreements are in force to-day; they expire on the 1st of July of this year.

It would seem to me that with that history of the work of the Labor Board, it is hard to criticize it. I do not enter into merits of the dispute; I am not affirming that the Labor Board decided correctly or incorrectly; but I am saying for the Labor Board that it has exercised a diligence and a degree of attention that I have never before seen surpassed.

Moreover, the railroad companies have been from the very beginning doing all that they could do—and probably much more than they ought to have done—in order to reduce the wages of their men. They began immediately their activity in that direction, and they have continued it from that day until now. Of course, no labor board and no tribunal in the country can dispose of these great questions involving not only hundreds of millions of dollars yearly but, I was about to say billions of dollars yearly, without the utmost consideration, for their decision depends upon testimony, upon showing made with regard to conditions which exist.

I have said so much simply to put right from my viewpoint the work of the Labor Board. Everyone has a right to determine for himself whether the transportation act of 1920 is successful or not. I think it is successful; I think it is the only thing that has given the people of this country the transportation upon which all their business and all their lives depend. The men who believe that the Government ought to resume possession and continue in the operation of the railroad companies of the country can well look upon the act as a failure, because it is the only thing that has stood in the way of that plan. Whether the plan is good or bad we will discuss later when the amendments proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] come up and I have an opportunity to say something upon them in my own time.

Mr. REED. Mr. President, before the Senator takes his seat I should like to interrupt him.

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

Mr. FLETCHER. I yield.

Mr. REED. What the Senator from Iowa has said is very illuminating. He has established the industry of the Labor Board, its promptness of action, and he has established the promptness of action on the part of the railroad companies in trying to get wages reduced. I am not discussing the merits of the question, but the amount of the whole matter is that the railroads have not been free and are not free to-day to regulate wages. That is done by the Labor Board, and whether they have done it wisely or unwisely is another matter. That is where we come to. So that the railroads can not be justly criticized for not trying to get wages reduced, if, indeed, they should have been so at all, and the Labor Board can not be justly criticized for not acting; but the fact remains that the railroads are not free to fix the wages of their men.

Mr. CUMMINS. Precisely, Mr. President. The intervention of the Government involves delay in any subject that may arise. The Supreme Court can not decide a case the instant it arises; no court can act and decide a case instantly; and yet we have found it necessary to submit to delays in the administration of justice because justice can be administered in no other fashion.

Whether we did wisely in establishing a tribunal for the settlement of disputes between workingmen and the railroad companies is yet to be determined. I think we decided wisely. I do not believe the railroads ought to have the opportunity to reduce wages precisely as they may see fit. I think that continuity in transportation is of vastly greater importance than the liberty on the part of the railroad companies to do as they pleased with their men. The only way, in my judgment, in which we can preserve regularity and continuity in transportation and avoid the constant interruption which comes from discontent and dissatisfaction on the part of the railway men, resulting in strikes—the only way in which we can keep open these channels of commerce is for the Government to undertake to do justice between the employees and the employer, the railroads. While I am sorry that the whole matter can not be adjusted in a moment, I am not at all convinced that we did not do right in establishing a tribunal to stand between selfishness of the railroad companies on the one hand and the natural desire for higher wages on the part of the railroad men on the other hand, and I believe that the experience of the American people will demonstrate the wisdom of what we have done in that respect.

Mr. FLETCHER. Mr. President, if the passage of the transportation act was the means of doing away with Government operation and preventing Government ownership, and the only means of doing it, it was unquestionably a good thing to do. I do not want the Senator to get the impression that I am in favor of the Government owning and operating the railroads. I never have been in favor of that proposition. The Labor

Board began to function rather earlier than I supposed it did. It may be ever so industrious; I realize that it has had to deal with some big questions; but it was from April, 1920, to June 19, 1921, determining that a reduction of 12 per cent in the wages of railroad employees should be made.

Mr. CUMMINS. Mr. President, technically the Senator may be right; but in July, 1920, the board determined that the railroad men should have an increase of wages amounting, as I said before, to about $700,000,000 a year.

Mr. REED. Mr. President, what was the percentage of that increase? I want to compare it with the other figures.

Mr. CUMMINS. It was a percentage of something like 20 per cent. That is a rough guess. The Senator from Florida may condemn the action of the board in advancing the wages of the railway men, but he can not say that it was very slow or laggard in reaching a result. A change in conditions, it is alleged, between July, 1920, and June, 1921, has resulted in an announcement on the part of the Labor Board that it will reduce the wages about 12 per cent, taking it all together; but I do not believe the Senator from Florida will contend that in view of the conditions which existed in July, 1920, with the cost of living at its very height, the Labor Board was not justified in advancing the wages of the men as it did.

Mr. FLETCHER. I did not intend to get into a discussion of the question of wages. In my judgment, many of the experienced, skilled men on the railroads have never been getting too much, and are not to-day. In my judgment many of the unskilled, inefficient workers on the railroads have been getting too much.

In my judgment, there ought to be a reclassification and a readjustment of the whole wage schedule. That is the way I feel about it. I am not going into any details about the matter, but here are the railroads claiming that they can not reduce rates because of the high wages, and here is the Labor Board saying, "We will not reduce wages because you will not promise to reduce rates and thereby reduce the cost of living"; and there you are. I say they are suspended between heaven and earth, like Mahomet's coffin, between the Labor Board and the Interstate Commerce Commission, and they are getting nowhere, and the people are paying, paying, paying.

I submit, Mr. President, without reading it, this article entitled:

Nearly all roads to appear to-day before rail board. Refers to those affected by $600,000,000 wage award in July, 1920, not previously asking a cut. Will lower pay for all employees. With 12 per cent, total $400,000,000 yearly savings to country to go into effect.

I ask to have that inserted in the RECORD without reading.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The matter referred to is as follows:

NEARLY ALL ROADS TO APPEAR TO-DAY BEFORE RAIL BOARD—REFERS TO THOSE AFFECTED BY $600,000,000 WAGE AWARD IN JULY, 1920, NOT PREVIOUSLY ASKING A CUT—WILL ASK LOWER PAY FOR ALL EMPLOYEES—WITH 12 PER CENT, TOTAL $400,000,000 YEARLY SAVINGS TO COUNTRY TO GO INTO EFFECT.

CHICAGO, *June 19.*

Nearly every railway in the country affected by the $600,000,000 wage award of the United States Railroad Labor Board in July, 1920, which had not previously petitioned for wage reductions, will appear before the board to-morrow with requests for lower pay for all employees.

Two wage hearings already have been held, the first resulting in the decision of June 1, cutting the wages of 104 carriers 12 per cent, effective July 1. More than 150 roads were included in the second hearing on which no decision has been pronounced. Members of the board have indicated, however, that there would be little variation in this decision from that of the first hearing. Provision was made in the June 1 decision for making additional railroads parties to that decision at any subsequent date.

With the completion of the third hearing and the anticipated 12 per cent reduction on all roads, the total estimated $400,000,000 annual savings on the country's railroad labor bill will be put into effect.

Mr. FLETCHER. Mr. President, the public thought on this subject is quite clearly expressed in an editorial in the Tampa Morning Tribune of June 2, 1921, which I wish to insert here in full, entitled "The pendulum swings." I will not take the time to read it. I ask to insert that editorial in the RECORD without reading.

The PRESIDING OFFICER. In the absence of objection it will be so ordered.

The matter referred to is as follows:

THE PENDULUM SWINGS.

Some five years ago the railroad brotherhoods began an insistent campaign for higher wages; and it must be remarked in all fairness right here that for the most part the men were badly paid, especially the office help and the maintenance-of-way men, which latter division includes the track laborers.

Naturally the labor unions struck while the iron was hot—at a time when the world was convulsed by the greatest war in history, when everything depended upon transportation, and when the transportation lines of the country were clogged with goods in transit, bearing much of the burden of Europe's pressing needs as well as our own normal requirements.

America had not yet entered the war, but the threat was over us and we were getting ready for the inevitable. The railroad workers threatened to go on strike throughout the Nation, and the railroad owners, with many of the roads already in bankruptcy, refused the demands for higher pay. Finally Congress passed the Adamson law and an orgy of railroad legislation began, with the men's demands met both as to wages and hours, with financial ruin staring the roads in the face.

And so it went on, and the country entered the war. The men wanted more money, and again there was threat of a nation-wide strike of railroad workers. That civilization depended upon their remaining at their posts of duty seemed not to hang a hair's weight in the balance. Patriotism seemed to have been shed by them as a duck throws water from its back. The roads were taken under Government control as a war measure, and wages were raised and raised again until the mere gateman who looks at your ticket as you seek entrance to the train was in many instances receiving a greater monthly wage than the division passenger agent. War measures? Yes. Just and deserved? No. To be sure, the cost of living had soared.

Coincident with the various raises in pay the roads were granted higher and higher freight and passenger rates. Of course, the public paid. That was inevitable; the public always pays.

Even in 1920, a little more than a year ago, the Railway Labor Board, a piece of machinery created by Congress to attempt to settle the question of wages for the railway workers, added $600,000,000 a year to the railways' labor costs. And rates went higher, and the public wondered if the railway workers and the railway owners of the country were going to take everything in sight. Well, they did, almost.

Finally, with public sympathy lost to the railway workers—the railway owners haven't had public sympathy since the art of railway making was taken from the hands of the men who actually build the roads and take pride in them and fell into the hands of financiers, so called, whose chief aim and object appears to be to water stocks and demand dividends on impossible capitalization—the public began to demand relief. Public opinion always controls when it is really exerted. The indubitable evidence that freight rates had gone beyond the possible maximum of "what the traffic will bear" was seen in countless fields and orchards where produce rotted by the thousands of barrels and bushels and carloads because it was no longer possible to ship and sell and pay the freight and break even; loss of precious food needed here and there throughout the length and breadth of the Nation, forcing prices up when prices should be coming down.

And all these things combined to create a public demand for relief. The railway owners said they could not meet expenses even with rates so high, and they proved it easy enough by showing their balance sheets. Their business had become so bad, and is so bad, that the banks can't afford to lend them money to meet their needs, for it isn't sound finance to pour money into institutions which can not pay interest on the investment.

So the Railway Labor Board held many meetings, and listened to the arguments of the owners on one hand for a steep cut in wages, and of the workers on the other hand that wages should not be cut. The result has been a cut in wages—direct—that will lessen the railroads' burden, it is estimated, by at least $400,000,000 a year. Also a reclassification of labor which the roads estimate will cut costs an additional $300,000,000.

The labor cut averages 12 per cent, really a small part of the total advance in the past five years. The actual cut ranges from 5 to 18 per cent. The owners claim that the reclassification of labor, which they have fought for, will untangle a snarl of overlapping effort which not only has been costly by limiting what one man might do in the way of turning a nut upon a bolt in car repair, or fitting a pipe, or mending a broken door, as it were, but will work toward greater production at less cost.

So far so good. Public opinion has done this much. Now, what the same owners of that opinion want to know is, what profit shall accrue to the general public? Will there be a lowering of freight rates so that perishables may again be marketed at a profit and the Nation be fed more economically, or is this orgy of high freight rates, which kept pace with the orgy of high wages, to be continued?

Mr. Average Man isn't concerned over the fact that a road which is actually worth $100,000,000 is capitalized at $250,000,000 or $500,000,000 and the stockholders are clamoring for dividends on the larger amount. What he is concerned in is witnessing a withdrawal of the "water" from the stock and the getting down to a sane level where the roads will once more be able to pay a proper dividend on a proper valuation or something approximating a proper valuation. The general public doesn't care a rap about who is responsible for past misdeeds, but is very much concerned in preventing further inroads into the public purse.

It doesn't require any great amount of sagacity to figure out this much: That the owners of the railroads of this country must either rearrange their business so that freight rates can be made more reasonable or the same public opinion that is now helping them to win their way back to financial stability will demand and bring about public ownership and operation of these properties.

The Tribune does not want to see Government operation of the railroads again. But that is inevitable unless the owners of the roads heed the lesson.

Mr. FLETCHER. In the meantime what has been happening?

First. The railroads have not, they claim, been earning interest on their indebtedness, taxes, insurance, and fixed charges in many cases, and in no case as much as the law allows. They may have gotten rid of some unnecessary high-salaried help, but they have kept up quite generally the extravagant pay of officials and have been exceedingly deliberate about reducing expenses.

Second. The volume of traffic has decreased because it could not bear the excessive cost of transportation. There are idle cars and parked rolling stock.

Third. Industries have suffered, business has been suspended because of high freight rates, and domestic commerce to a degree stagnated.

Fourth. The basic industry of agriculture has been discouraged and made to languish, while consumers were obliged to pay exorbitant prices for their supplies.

Fifth. Development, new enterprises, progress in all directions, have been retarded and will continue to be until there is more efficient service at less cost than can now be had.

Mr. CUMMINS. Mr. President——

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

Mr. FLETCHER. I yield to the Senator.

Mr. CUMMINS. The Senator from Florida may not be familiar with the fact that in the year beginning on the 1st of March, 1920, and ending on February 28, 1921, the railroads moved a greater volume of traffic and more passengers than they ever moved before in the history of the country. There is great misapprehension, to use the mildest term, with regard to the effect of the railroad rates upon the volume of traffic.

Mr. FLETCHER. I have heard of that position taken by the railroad companies and have heard of those general figures; and the same argument has been urged by the railroad companies when the question of the excessive freight rates on Florida products has been raised. "Why," they said, "we never had such a volume of business out of Florida," and they never did before. Their earnings on Florida products have increased 304 per cent since 1917, but never in the whole history of the State have there been more grapefruit and oranges and vegetables rotting in the fields of that State than there have been this season.

Mr. STANLEY. Mr. President——

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

Mr. FLETCHER. I do.

Mr. STANLEY. I have heard the statement made in the hearings to which the chairman of the committee refers, and I was surprised myself to hear it, especially with reference to the Senator's country, because I have been under the impression that the higher rates had materially affected the movement of products from Florida and from the South; and I asked these experts the question which I now propound to the Senator from Florida: If the present schedules continue to prevail with reference to the movement of vegetables and fruit, will that volume of business from the Senator's State continue, or will the industry dwindle to a point where you will have no surplus to ship to distant points, like New York and Boston?

Mr. FLETCHER. I think the latter condition will inevitably result. I will say to the Senator in all frankness that we can not expect people to put their money into an enterprise like the laying out of an orange grove or the development of a truck farm when they know in all reason that they never will be able to get their products to market on any basis that will yield them a profit. It means a decrease in the volume of traffic to-day as compared with production. That is what we must depend on. We have had an enormous increase in the total volume of traffic because of the enormous increase in the production of the State; but there is a decrease in the volume of traffic caused by these high rates, and there will be death to progress and development caused by these high rates. The people will not put their money into these undertakings when they know that what they raise can not be gotten to market at a profit.

Mr. CUMMINS. Mr. President——

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

Mr. FLETCHER. I do.

Mr. CUMMINS. I do not know anything about the merits of individual rates. It may be that the rates from Florida upon the chief productions of that State are too high and need readjustment. I express no opinion upon that point. I only want the Senator from Florida to remember the fact that taking all the railroads in the United States together, from the 1st of March, 1920, to the 1st of March, 1921, they earned no net railway operating income. They earned not a cent for the payment of interest upon bonds or dividends upon stock; and it is quite difficult for me to see how the earning power of the railroads can be very materially reduced, if we are to continue in private operation, unless we reduce in some way the cost of maintenance and operation. Then the railway rates ought to be reduced. I do not see how they can be reduced until that object is effected, although I say again that it may very well be that the rates from Florida on grapefruit and oranges and the like are entirely too high, and ought to be readjusted and reduced, as compared with other rates.

Mr. FLETCHER. Undoubtedly the Senator is correct. In order to make any permanent reduction of rates there must be a reduction in the cost of operation and cost of maintenance of these properties. I quite agree with that. My insistence is that there ought to have been found a way to accomplish that to some degree at least; and further I insist, and I want to see if the Senator disagrees with me about it, that rates may be so high as to decrease rather than increase earnings, as to lessen the amount of revenue rather than increase the amount of revenue, as to injure both the railroad companies and the public.

Mr. CUMMINS. Mr. President, I think any student of the subject understands that to be true. Rates may be so high that the net result to the railroad companies may be a diminution of the net income.

Mr. FLETCHER. Precisely.

Mr. CUMMINS. But I have always assumed that when a railroad company found a rate so high that it deprived it of a revenue which it might otherwise enjoy, the railroad company would be the first to reduce that rate. I know that the railroad companies may be mistaken about that; and I am sure it will be gratifying to the Senator from Florida to know that the Interstate Commerce Commission since the 1st of last September, when the rates were advanced, has, in cooperation with the railroads, readjusted, as I remember, more than 5,000 rates upon individual products.

Mr. FLETCHER. I think the railroads will be a little dilatory about acting, whenever it comes to reducing rates, unless they are practically compelled to do so.

Mr. STANLEY. Mr. President——

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

Mr. FLETCHER. I yield.

Mr. STANLEY. I am very much interested in the profound discussion of this subject by the Senator from Florida; and I wish to call his attention to this phase of the matter, which probably he has investigated himself:

The situation with reference to Texas and Florida products is, in my opinion, to a great extent due to the fact that the railroads have attempted to meet lower water rates from the Pacific coast, and the ton-mile charge for similar products from Florida, the Gulf coast, and Texas is much greater. You are within, say, 700 or 800 miles of the cities on the Atlantic seaboard, and you pay approximately the same rate that is paid for similar products hauled by water or by rail 2,000 miles or 4,000 miles. In my opinion, an investigation will show that in order to make the whole system of transportation remunerative—that is, the hauling of fruits and vegetables from all over the United States proper—the railroads have been forced to put a larger rate upon Florida products in order to sustain the present rates from the Pacific coast and to meet the lower charge by water incident to the opening of the Panama Canal.

Mr. FLETCHER. There may be a great deal in what the Senator suggests, and I am much obliged to him for the thought. It is quite generally complained, by Florida fruit growers, that the rates on Florida products are not even equal to the rates on California products, for instance. The California growers can get their fruit to the Atlantic seaboard at very much less cost than the Florida grower can get his product to the Pacific. I do not know why that is, but that seems to be the truth. Actually, Florida products are excluded from the markets west of the Mississippi River, but the California products are permitted to get into this Atlantic seaboard territory at pretty nearly the same rates as the Florida products get there.

Mr. STANLEY. Rates are rarely ever fixed upon a mileage basis. It is not the distance hauled but the conditions, and it is an effort to meet the lower rate that is now being charged by refrigerating ships leaving the Pacific coast and coming through the canal.

Mr. FLETCHER. Perhaps that is quite true. Still, I see no reason why Florida products should be excluded from the markets west of the Mississippi River.

Mr STANLEY. I am not claiming that they should be.

Mr. FLETCHER. I am saying generally, Mr. President, that the transportation act of February, 1920, has failed to accomplish what it was hoped it would accomplish. There is divided responsibility. The Interstate Commerce Commission has been shorn of some of its vital powers and to a degree swept from its moorings. The Labor Board has utterly failed.

We need to get back to the original purpose and function of the Interstate Commerce Commission and continue in it exclusive jurisdiction to fix reasonable and just rates and prevent discrimination. Let the power rest there. Do away with this dual authority. Get rid of a situation where one body can say, "We can not lower or readjust rates until another body determines the question of wages," and the latter body saying, "We can not adjust wages until we know there will be a reduction of rates, thereby reducing the cost of living."

One agency should have control of both questions. Responsibility can then be fixed. Delay and haggling while the public suffers will be avoided.

How long do you suppose we can live in a situation where the carriers receive more than the producers out of the proceeds of farm products?

But you say I have been indulging in generalities and you want me to be specific. Very well; allow me to give you some facts pertaining to railroad operations in Florida. I requested the Florida railroad commission to inform me what were the prewar and present rates on commodities shipped to various points named from Jacksonville, which is a basing point and terminal for railroads in and operating out of and into Florida.

Here is the statement which I ask to have inserted. It shows that the approximate increase in freight rates on all commodities named is 56.2 per cent over prewar rates. The statement covers citrus fruits, pineapples, celery, beans, potatoes, cabbages, canteloupes, and lumber, and, as I said, the approximate increase on all commodities named is 56.2 per cent over prewar rates, to St. Louis, Chicago, Cincinnati, Pittsburgh, Washington, Baltimore, Philadelphia, New York, and Boston. I ask to have the table inserted without reading.

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

*Prewar and present rates on commodities shipped from Jacksonville, Fla.*

| | Citrus fruits and pineapples, carload rate per standard box. | | Celery and beans per standard crate. | | Potatoes per 100 pounds. | | Cabbage per 100 pounds. | | Watermelons per 100 pounds. | | Cantaloupes per 100 pounds. | | Lumber per 100 pounds. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Prewar. | Present. | Prewar. | Present. | Prewar. | Present. | Prewar. | Present. | Prewar. | Present. | Prewar. | Present. | Prewar. | Present. |
| St. Louis | $0.50 | $0.78 | $0.33½ | $0.52 | $0.38½ | $0.60 | $0.48½ | $0.75½ | $0.35½ | $0.55½ | $0.35½ | $0.55½ | ..... | ..... |
| Chicago | .53 | .83 | .40 | .63 | .47 | .74 | .57 | .89½ | .44 | .69 | .44 | .69 | ..... | ..... |
| Cincinnati | .46 | .72 | .30 | .47 | .32 | .50 | .42 | .65½ | .29 | .45½ | .29 | .45½ | $0.22 | $0.34 |
| Pittsburgh | .52 | .81½ | .37 | .58 | .43 | 67½ | .58 | .90½ | .43 | .68 | .40 | .62½ | .27 | .44 |
| Washington | .43 | .67½ | .35 | .56½ | .37½ | .59 | .57 | .89½ | .36 | .56½ | .36 | .56½ | .21 | .32½ |
| Baltimore | .43 | .67½ | .36 | .56½ | .37½ | .59 | .57 | .89½ | .36 | .56½ | .36 | .56½ | .21 | .32½ |
| Philadelphia | .44 | .69 | .37 | .58 | .37½ | .59 | .58 | .90½ | .40 | .62½ | .40 | .62½ | .24 | .36½ |
| New York | .46 | .72 | .39 | .61½ | .37½ | .59 | .60 | .94 | .42 | .65½ | .43½ | .67½ | .30 | .44 |
| Boston | .51 | .80 | .45 | .70½ | .53 | .83 | .71 | 1.09½ | .52 | .81½ | .52 | .81½ | .32 | .46½ |

Approximate increase on all commodities named is 56.2 per cent over prewar rates.

Mr. CUMMINS. May I ask the Senator another question?

Mr. FLETCHER. I yield.

Mr. CUMMINS. In view of the fact that railroad wages have more than doubled, in many instances trebled, and in view of the fact that all materials which go into either the maintenance or the construction of a railway have doubled or more than doubled, does the Senator from Florida think it remarkable that railroad rates should have increased 56 per cent?

Mr. FLETCHER. Some of these rates are higher; but these rates were already high. Before there ever was any increase they were high on these particular commodities, and if the rates were justified originally, my contention is that something ought to have been done to get them down within 16 months after the roads were turned over to the private owners.

Let us take a look at the figures as to passengers, also. What I am saying, of course, is not peculiar to Florida. It is merely illustrative of what prevails throughout the country. Here are the passenger figures:

| | |
|---|---|
| Present cash passenger fare, Jacksonville to Washington | $28.41 |
| War tax, 8 per cent | 2.27 |
| Total cost | 30.68 |
| Prewar mileage, passenger fare, Jacksonville to Washington (790 miles, at 2 cents) | 15.80 |
| Present Pullman fare, lower berth | 8.63 |
| War tax, 8 per cent | .69 |
| Total cost | 9.32 |
| Prewar Pullman fare, lower berth | 4.75 |

It is inconceivable that as many people travel under these rates as would travel under prewar rates. Independent of the question of burdening the traveling public, the railroads must collect fewer fares, and it is doubtful if their revenues are increased by these high rates.

An instructive exhibition is furnished by Mr. J. C. Chase, a responsible citizen of the highest standing and wide experience in producing, shipping, and marketing citrus fruits. Here is his letter of April 21 last, with statement attached, as follows:

JACKSONVILLE, FLA., *April 21, 1921.*

Hon. D. U. FLETCHER,
*United States Senate, Washington, D. C.*

DEAR SENATOR: You will be interested in the attached statement showing increase in freight charges paid railroads during the past four seasons on Florida citrus fruit, based on the haul from Orlando, Fla., to New York City.

While all of the fruit does not go to New York City, we believe that the average freight charge from all of the citrus-producing points in Florida to all of the markets in the country will average approximately the New York freight rate, and the statement will serve to illustrate the point we wish to make, which is that the transportation companies operating out of Florida are now collecting from the Florida growers on the present crop and at the present rate 304 per cent more freight charges than was paid during the season 1917–18. Other products from Florida have increased proportionately, and also the charges, so that you can realize what an enormous amount of money is being paid out to the transportation companies on Florida perishable products alone.

If you would look into the traffic now moving you would find that the railroads serving Florida and California are in more prosperous condition and have fewer idle cars than roads operating in any other territory.

There is one thing sure, we must have lower freight rates on Florida grapefruit into the Pacific coast markets. The present rate is so high that it has practically excluded Florida grapefruit from many of the markets where we placed a great many cars under the prewar rate. California citrus fruit moves to the Atlantic coast markets at a rate of approximately $1.50 per box. If this is a satisfactory rate to the railroads, why is it that the charge on a box of Florida citrus fruit is almost double from a Florida producing point to a Pacific coast market? A person can travel east and west at the same rate per mile, and we believe that similar products should not be discriminated against.

Yours, very truly,

CHASE & CO.
J. B. CHASE.

*Statement showing increase in freight charges paid railroads during past four seasons on citrus fruits, based on haul from Orlando, Fla., to New York, N. Y.*

| Season. | Number boxes shipped. | Freight rate charged. | Per cent increase in rate. | Freight charges paid railroad. | Increase in freight charges paid over season 1917–18. | Per cent increase in freight charges over season 1917–18. |
|---|---|---|---|---|---|---|
| 1917–18 | 5,581,309 | $0.61 | ..... | $3,404,598.49 | ..... | ..... |
| 1918–19 | 8,946,204 | .76½ | 25 | 6,843,846.06 | $3,439,247.57 | 101 |
| 1919–20 | 12,495,925 | .76½ | 25 | 9,559,382.63 | 6,154,784.14 | 181 |
| 1920–21 | 13,500,000 | 1.02 | 67 | 13,770,000.00 | 10,365,401.51 | 304 |

Still, as I said to the Senator a moment ago, grapefruit and oranges are actually rotting to-day in the fields in Florida, and vegetables have been plowed under in various other fields, because they could not get them to market.

The railroads argue that the great increase in the volume of traffic proves that the high freight rates have not deterred shipments. This is unsound. The increase in business has been due to the great increase in production. The fact is, I am reliably informed, that more oranges, grapefruit, and vegetables were left in the fields the past season than ever before, simply because the cost of carriage was prohibitive. This retards development, naturally, because the farmer reasons, "What is the use of my growing potatoes, even though I produce 360 bushels per acre"—which he can, and the same land will yield three other crops the same year—"if my crops can not be moved to market at a cost which will leave to me a margin of profit?"

Of course, these high rates, which are prohibitive, not only cause decreases in traffic, but retard development.

Last week a friend of mine, for instance, shipped me a barrel of watermelons. Three very delicious melons, packed in a barrel with Florida moss, arrived in perfectly splendid condition. The barrel weighed 100 pounds. The express charges were $3.53 plus the war tax of 18 cents, making a total of $3.71. The cost of carriage amounted to $1.23 per melon, from Jasper, Fla., to Washington, D. C. I believe the express company divides 50.25 with the railroad company.

That sort of thing, of course, means forcing a producer back to the ox-cart and stage-coach days, when his only market was the nearest town to where he grew the stuff. One dollar and twenty-three cents per melon was the actual carrying charge of that melon from the railroad station in Florida to Washington, D. C. I would not regret even that much, because they were fine melons; but you can imagine what the grower would get with such an expense as that.

Mr. MOSES. Will the Senator add to his interesting statement about the melons the information where those melons are now? Senators on this side are interested in knowing what became of them.

Mr. FLETCHER. They have long since been consumed. They lasted only about three days—one for each day.

Mr. CUMMINS. I might suggest to the Senator that if he had used a barrel apiece for each of the melons, and only shipped one melon in a barrel, it might have cost him still more. I assume he is not serious in putting this example before us so far as affecting the melon trade is concerned, because melons are not usually shipped one in a barrel, or even three in a barrel.

Mr. FLETCHER. I realize that; but upon that subject I would like to insert here an editorial from the Florida Times Union, entitled "How it is divided." I will not take the time to read it. It quotes from the railroads themselves. For instance, it was shown that melons yielding the grower 7½ cents yielded the carrier 12.7 cents. That has been the average where they have been shipped in bulk; the grower gets 7½ cents and the carrier 12.7 cents.

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

HOW IT IS DIVIDED.

From the Columbus Enquirer-Sun we clip an extract from a speech delivered by Senator HARRIS, of Georgia, on the transportation question. It is as follows:

"In order that you may see at a glance what the last advance in freight charges represents—using an average load, 1,000 melons, at average freight of 27 pounds each—I invite your attention to the following tabulation: Using Albany, Ga., as a representative shipping point the advance per melon is as follows: Baltimore, Md., 4.2 cents; Philadelphia, Pa., 4.8 cents; New York, N. Y., 4.9 cents; Buffalo, N. Y., 4.9 cents; Pittsburgh, Pa., 4.8 cents; Chicago, Ill., 4.7 cents; Cincinnati, Ohio, 2.3 cents. The returns to the growers on last year's crop averaged about $75 per car, and approximated 7½ cents per melon. The last investigation into the price at destination yielded the fact that the consumer paid very much more than was warranted by the returns to the grower plus the transportation charge. For instance, it was shown that melons yielding the grower 7½ cents and the carrier 12.7 cents, Albany to Baltimore, or a total of 20.2 cents for the producer and the carrier, sold in Baltimore for $1."

Of course, these figures make a bad showing as to transportation charges if they are compared with what the shipper receives, but they do not show the charges too high as compared with what the consumer pays. They impress us with a feeling almost of hopelessness of accomplishing anything by the efforts that are being made to remedy the evils that are patent and that efforts are being made to remedy.

Transportation charges are too high, but they can not be reduced as long as railroad labor receives such high wages. The labor cost of operating the railroads is said to take 70 per cent of the operating capital. On this basis we will go a little further than the figures given by Senator HARRIS. The grower of a watermelon gets 7½ cents for it. Railroad labor gets 8.9 cents, and the railroad, in addition to paying labor, gets 3.8 cents. But all this foots up 20.2 cents to get the melon to the city where the consumer lives, and then as he buys it for a dollar it costs 79.8 cents to get it to him after it has reached the city he lives in. The grower gets less than one-tenth as much as the middleman gets, railroad labor gets only one-ninth as much and the railroads for hauling the melon a thousand miles get, in addition to what they pay for labor, only one-twentieth as much as the middleman gets. The middleman gets four-fifths of the whole.

Now, what is the use of a reduction anywhere until that cormorant is gotten out of the way? If the railroads hauled it free, would the dealer who buys from the grower give him any more or sell for any less to the consumer? Watermelons are perishable and the dealer must get a good profit, but as long as he is permitted to take more than half there is no sense in growing watermelons for distant markets.

Mr. CUMMINS. Does not the Senator conceive many cases in which it costs a good deal more to transport freight 1,000 miles than it does to produce the commodity?

Mr. FLETCHER. That is so in a good many cases; but I submit to the Senator if that were to be the case with reference to these commodities, moving in carload lots, as these do, of course they would cease to move; that is all. The grower can not afford to ship and take the chances of raising the crop, and buy the fertilizer, cultivate the crop, and pack it, and ship it.

Mr. NORRIS. The Senator is speaking about carload lots. I judge from the question of the Senator from Iowa that it is to be inferred that in carload lots the cost might be different.

I want to call the Senator's attention to a statement which was published and sent, I think, to all Senators by one of the leading banks of New York City, in a monthly publication reviewing the business of the country. It came to us from the Irving National Bank, the Chase National Bank, or the National City Bank, I have forgotten which one. In that statement they told about shipments in carload lots from Florida to New York City, and gave a list of names of men who had shipped various kinds of fruit from Florida to New York City. In several instances the owner of the product shipped by carload lot, after he had paid the freight to New York City and the commission, still owed $40 or $50, besides losing his entire product, and in quite a number of cases it showed that the returns received by the Florida producer for a carload of different kinds of fruit were $10 or $12 or $15 or $25 for a whole carload. So I take it that even in carload lots the cost of transportation, whatever the cause may be, or whether right or wrong, is of such a nature that it would certainly prevent men from very long staying in that kind of business if they had to pay that kind of transportation charges.

Mr. FLETCHER. I am much obliged to the Senator for reminding me of that.

Mr. CUMMINS. Mr. President, I must be permitted to say in this connection that the incident cited by the Senator has happened many, many times in every season and in every year. It happened before the war, it happened before the freight rates were increased, and it will happen again whenever the market for the particular commodity refuses to receive it at a price that will compensate the owner.

Mr. NORRIS. May I interrupt the Senator again on that point?

Mr. FLETCHER. Certainly.

Mr. NORRIS. If the Senator from Iowa had been in New York and bought some of this fruit he would have found that the consumer had not been getting any great reduction but was paying a fabulous price. I am not mentioning the proposition as an argument on either side of the question but as a fact. If it exists and continues to exist, whatever the cause, it certainly will interfere with the Florida man in his production, and he will have to go out of business.

Mr. CUMMINS. If it is permanent, then, of course, it would end the industry; but we have a large watermelon production in the State of Iowa, and I have frequently known of carloads of watermelons from one part of the State coming to my own little town that have been sold at a price that did not pay the freight. I am sure the Senator from Florida knows of many such instances.

Mr. FLETCHER. That often happens. There are instances of that kind which arise at different times all during the year; but the cars to which the Senator from Nebraska had reference were not loaded with watermelons.

Mr. NORRIS. No; those cars were not loaded with watermelons.

Mr. FLETCHER. They were entirely other products. That thing happens quite too often to be very comfortable for people who are engaged in the business. Whether it is a regular thing or not, it happens too often.

A correspondent wrote, April 5, 1921:

We are confident that the carriers are making a good profit on the fruit and vegetable shipments they handle. * * * The freight rates always were high on this commodity, and since they have been increased the last couple of times they certainly are out of sight and have become a burden to the growers and shippers.

Again, on April 19 last, a correspondent wrote:

The freight charges on Florida fruits and vegetables to some of the most important markets of the country are prohibitive. * * * The country is now suffering from an attempt on the part of the transportation interests of the country to pass on to consumers the increase in freight charges. The consumers have organized a strike against such additional increases, and the high rates instead of bringing increased earnings are showing losses to all of the railroads owing to decreased tonnage. We can only hope that all interests will work to accomplish a decrease in the operating expenses of the transportation companies that will eventually permit a lowering in freight rates.

Another correspondent aptly observes:

Primarily the railroad company is interested in the produce and in the price paid the producer by the wholesaler. Out of that money comes the freight and transportation charges, and not out of the prices obtained by the retailer from the consumer. If by reason of the failure of the producer to net a reasonable return on his labor and investment he will cease producing, and the railroad will have nothing to haul and the consumer nothing to consume, therefore the producer is the one to be considered in all cases of this kind rather than the consumer.

A vigorous protest comes from Messrs. Chase & Co., large distributors, dated June 20, in which they say:

We trust that you will join us in our protest against the granting of the application of the Louisville & Nashville Railroad for permission to declare a stock dividend. The Florida growers of perishable products feel that this surplus has been wrung out of their pockets by the high freight rates on their products. It does not belong to the stockholders but it belongs to the producers.

There should be no stock dividends from transportation companies until there has been a readjustment of freight charges. We do not believe all this propaganda that is being put out by the transportation companies that the freight charges on perishables make no difference and that the middleman is getting all the cash.

We feel more strongly now than ever before that the last 25 per cent increase granted the carriers was a huge mistake, and the quicker it is wiped out the better. We do not believe the traffic officials of the trans-

portation companies will be any quicker to reduce freight rates than railroad labor will be willing to take a reduction in pay. If the transportation companies will voluntarily wipe out the last increase, they can ask their employees with better grace to take smaller pay.

What I have been talking about involves much more than the products of grove and truck farms, although that alone means the shipment of 58,218 carloads during a season out of the State. To show what that business means, I wish to insert in the RECORD without reading a statement from the Tampa Morning Tribune of June 20.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

FLORIDA HAS DONE WELL.

The statement that the watermelon season is practically closed in Florida, although there will probably be 1,000 more cars to go out, brings to mind that the Florida shipping season practically ends with the last of the melon shipments.

Officially, the Florida shipping year for fruits and vegetables begins September 15. The transportation companies keep a daily record of the all-rail shipments going out through Jacksonville, High Springs, and Hampton, the three main gateways for freight, to points out of the State.

The records through June 17 give us the following total carload shipments since September 15, 1920: Grand total cars, all products of grove and truck farms, 58,218; oranges, 20,615; grapefruit, 13,018; tomatoes, 5,903; celery, 4,730; miscellaneous vegetables, 4,576; watermelons, 2,777; lettuce, 2,623; Irish potatoes, 2,332; cabbage, 1,406; strawberries, 105; pineapples, 102.

The total of 58,214 cars of fruit and vegetables averaged 6,448 cars a month of 30 days, and gave a daily average movement of 215 cars over a 9-month period. In other words, during the entire past nine months, Florida sent out to a hungry Nation 9 cars of fruits and vegetables every hour of the 24 in every day of that time.

This speaks pretty well for Florida. Especially when we are informed by the ignorant that the "Florida shipping period is only a few months in the winter."

In addition to this all-rail shipment of Florida produce, making a train 666 miles long, not counting the engines and tenders, one must bear in mind that thousands of boxes, crates, and baskets of fruit and vegetables have gone out by express, and thousands of smaller-sized boxes, baskets, and crates went by parcel post; and there are yet 1,000 cars of melons to move.

The thing that counts most in this showing is the long term over which these shipments are made. Even on the 17th of June, the record for the day was 224 cars made up of watermelons, tomatoes, miscellaneous vegetables, and pineapples. They talk about "ever-bearing" this and that certain thing in Florida. Why, the entire State is an ever-bearer of something that is needed and taken by the eating public.

We make no attempt to value that 666 miles of train loaded with all Florida fruits and vegetables. You can make your own figures, bearing in mind that the lowest price for cabbage reported was about $600 a car, while peppers sold as high as $3,000, tomatoes to $4,500, watermelons up to $1,000, and oranges as high as $2,600 a car. You may get your own average from these five items and multiply it by the 58,214 cars already gone out. Then say whether or not Florida had done fairly well.

Mr. FLETCHER. Lumber, phosphate, naval stores, and other products I need not mention. Increased rates apply to them also. Florida's exports to foreign markets, moving through her ports, amount to over 1,000,000 tons a year. The principal increases in southern territory have been 25 per cent on June 25, 1918, and another increase of 25 per cent on July 29, 1920.

The situation is not hopeless. In the Washington Post of June 23 Mr. Warfield is quoted as saying that with proper economy and the return of normal conditions the railroads could earn 6 per cent and also reduce rates. No man is better qualified to speak on the subject, because no man has a clearer, fuller knowledge of it than Mr. Warfield. I ask unanimous consent to insert in the RECORD without reading the item just referred to.

The PRESIDING OFFICER. Without objection, permission is granted.

The item referred to is as follows:

[From the Washington Post, June 23, 1921.]

SIX PER CENT RETURN FOR ROADS IS SEEN—ECONOMICS AND NORMAL BUSINESS WILL DO IT, WARFIELD TELLS SENATORS.

Study of the railroad problem was resumed yesterday by the Senate Interstate Commerce Committee, with S. Davies Warfield, president of the National Association of Owners of Railroad Securities, as the chief witness.

"The question for the moment is," Mr. Warfield said, "can sufficient revenue be obtained from rates and fares that will be considered reasonable by the public and the shippers, and will these rates bear a relation to the price obtainable for the articles transported that will not impede commerce, or will part of the money required to meet the necessities of transportation have to be supplied in the public interest by taxation?"

The latter meant Government operation and eventual Government ownership, and should be avoided by all means, the witness declared. He expressed the belief that with proper economies and the return of normal business conditions the railroads could earn a 6 per cent return and also reduce rates, adding that the recent increase in rates could be held accountable for the contraction of the carriers' business.

Mr. FLETCHER. It would be better to withdraw the guaranty, reduce the rates, and let the roads survive, if they can, by economical operation and management; and if they can not survive, let them go into the hands of receivers or into bankruptcy and be reorganized on a basis which would insure proper capitalization, with no water or inflated values, than to force the public to pay the high freight and passenger rates required to yield 6 per cent on present high valuation or capitilization and under present laws and methods of operation. Reorganization on a proper basis of valuation would make it possible to operate at lower rates and prevent Government operation or ownership, and the public do not want either.

The increases in freight rates which became effective last August were expected by the Interstate Commerce Commission to add about $125,000,000 a month to the gross revenues of the railways. April, 1921, disclosed a gain of only a little over $30,000,000 over the same month of last year. For April of this year reports from 201 roads, with a mileage of 235,160 miles, showed a gain of 7.76 per cent in operating revenue, a decrease of 6.2 per cent in operating expenses, and a net operating increase of $29,201,000 as compared with an operating deficit of $23,767,000 in 1920. There seems to be some little improvement.

The average wage cut of 12 per cent, which will go into effect July 1, affecting about 1,700,000 men, will have a bearing on the financial situation of the carriers.

Just now the public is at a disadvantage. There are too many bureaus and agencies involved. The processes are complex, the delays insufferable, the machinery too complicated. The law should be simplified, stripped of involved and unnecessary and therefore harmful provisions. In this shaking-down process called readjustment the railroads will have to take their losses, undergo anxiety and stress just like other great enterprises and industries are doing. All must be treated alike, and all without favor or prejudice or discrimination must fight out the struggle, each on its own merit. The railroads ought to have fair, just treatment, an equal chance with any other great business. Consideration of the fact that they render indispensable public service is proper, but special privileges and special favors or guaranties are not in the public interest, especially when there has been time to recover from the demoralization incident to war conditions, and especially true if they are set free to work out their own salvation, subject only to such regulations as were contemplated when the law creating the Interstate Commerce Commission was enacted.

Amendments making in the direction of the original purpose creating one agency empowered to see that reasonable and just rates are maintained and no discrimination practiced in interstate commerce I shall support.

Mr. REED. Mr. President, I offer an amendment which I desire to have printed and lie on the table. It need not be read at this time unless it is so desired.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 28, 1921, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate June 27, 1921.*

AMBASSADOR TO JAPAN.

Charles Beecher Warren, of Michigan, to be ambassador extraordinary and plenipotentiary of the United States of America to Japan.

COMPTROLLER GENERAL OF THE UNITED STATES.

J. Raymond McCarl, of Nebraska, to be Comptroller General of the United States.

TREASURY DEPARTMENT.

UNDERSECRETARY OF THE TREASURY.

S. Parker Gilbert, jr., of Bloomfield, N. J., to be Undersecretary of the Treasury. New office created by act of Congress approved June 16, 1921.

PUBLIC HEALTH SERVICE.

ASSISTANT SURGEON.

Dr. Joseph F. Paulonis to be assistant surgeon in the Public Health Service, to take effect from date of oath.

DEPARTMENT OF THE INTERIOR.

REGISTER OF LAND OFFICE, EVANSTON, WYO.

Joseph T. Booth, of Evanston, Wyo., to be register of the land office at Evanston, Wyo., vice Alex Nisbet, removed.

RECEIVER OF PUBLIC MONEYS, EVANSTON, WYO.

Donald McAllister, of Evanston, Wyo., to be receiver of public moneys at Evanston, Wyo., vice James P. Folger, removed.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES.

QUARTERMASTER CORPS.

Capt. Harold LaRoy King Albro, Cavalry, with rank from July 1, 1920.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 27, 1921.*

MEMBER OF UNITED STATES TARIFF COMMISSION.

William Burgess.

CUSTOMS SERVICE.

APPRAISER OF MERCHANDISE IN CUSTOMS DISTRICT NO. 9, BUFFALO, N. Y.

John Grimm, jr.

IN THE ARMY.

ORDNANCE DEPARTMENT.

*Major.*

Levin Hicks Campbell, jr.

*Captains.*

Thomas Morris Jervey.
Clarence Cory Harshman.

CORPS OF ENGINEERS.

*Colonel.*

Albert Edwin Waldron.

*Major.*

Arthur Peter von Deesten.

*Captain.*

Clarence Nelson Iry.

*First lieutenant.*

Fred Sheaff Wells.

COAST ARTILLERY CORPS.

*Colonel.*

Frank Carson Jewell.

*Captains.*

Lawrence Locke Clayton.
William Henry Sweet.

FINANCE DEPARTMENT.

*Majors.*

Henry Stehman Hostetter.
Wallace Fairchild Baker.
Hardie Ambrose Violland.
Hastie Alexander Stuart.
Eugene Coffin.
Francis Jewett Baker.

QUARTERMASTER CORPS.

*Major.*

Charles Burd Eckels.

*Captains.*

Arnold Melville Reeve.
Joseph Worth Timmons, jr.
Fred Ernest Davis.
George Darryll Gamble.
Edmund Graham West.

CHEMICAL WARFARE SERVICE.

*First lieutenant.*

Cyril Drew Pearson.

AIR SERVICE.

*Captains.*

John McRae.
Oliver Grant Brush.
Raymond Edward O'Neill.

MEDICAL CORPS.

*Captains.*

Charles Robert Mueller.
Harold Wade Kinderman.
Willard Harry Waterous.

FIELD ARTILLERY.

*Captains.*

William Henry Green.
Joseph William Loef.
Horace Harding.

*First lieutenant.*

Thomas Houston Dameron.

CAVALRY.

*Captains.*

Joseph Idus Lambert.
Roy Claire Wells.

INFANTRY.

*Majors.*

James Luke Frink.
Joseph Russ.

*Captains.*

George Edward Kraul.
Royal Harry Place.

PHILIPPINE SCOUTS.

*Major.*

Thomas Gordon.

POSTMASTER.

NEW HAMPSHIRE.

George E. Danforth, Nashua.

# HOUSE OF REPRESENTATIVES.

MONDAY, *June 27, 1921.*

The House met at 12 o'clock noon.

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

Blessed Lord, Thou art the first and the last, the beginning and the end, and infinitely more than the heart can dream or tongue can tell. Do Thou condescend to bridge the chasm between our Creator and His children, between our loving Father and His earthly children. Do Thou preserve us from the bondage of ignorance, that we may know Thy law and love Thy precepts. Direct us by the revelation of Thy truth and bless us with the ministry of Thy grace. For Thine is the kingdom, the power, and the glory, forever. Amen.

THE JOURNAL.

The Journal of the proceedings of Friday, June 24, 1921, was read and approved.

A QUORUM.

Mr. DYER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DYER. To make the point of order that there is no quorum present.

Mr. BLANTON. That is filibustering.

The SPEAKER. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count.

Mr. DYER (interrupting the count). Mr. Speaker, I withdraw the point.

EXTENSION OF REMARKS.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an editorial written by ex-Gov. Cox, of Ohio, former nominee for President of the United States on the Democratic ticket.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by printing therein an editorial by former Gov. Cox, of Ohio. Is there objection?

Mr. MONDELL. Mr. Speaker, I second that request, because I desire to have that editorial as widely disseminated as possible.

Mr. GARNER. I am much obliged to the gentleman from Wyoming.

The SPEAKER. Is there objection?

There was no objection.

The editorial referred to is as follows:

DAYTON, OHIO, *June 26.*

The leading editorial in the Dayton Sunday News to-day, under the caption, "An Unhappy Harvest," was the first public expression of former Gov. James M. Cox, Democratic presidential nominee in 1920, since his defeat. The editorial was written by Mr. Cox and said in part:

"The recent statement of Mr. Babson, who is recognized as a statistician and an analyst of unusual qualifications in economics, has caused a profound impression. Idealism at times may fail to make any impression on the practical thought of the country. In the ultimate it will, of course.

"The influence of the purse, however, is unfailingly instantaneous. The purse nerve is highly strung. When conditions touch it dogma and bigotry and fetich are submerged. The result of the Babson pronouncement is but another case in point.

"If the American mind had been stripped clean to the human conscience and counterconsiderations, sordid, political, prejudicial, and otherwise, had not entered into the equation, a very positive mandate would have been issued at the polls last November in behalf of the noblest international principle that ever has been advocated in behalf of civilization.

"CITES ATTITUDE OF BUSINESS.

"We go one step further. If the purely practical view had been applied honestly, those who might not have been influenced ordinarily by moral consideration would have realized the importance of concerted world-wide action in behalf of the whole economic situation. Nothing is to be gained at this time save in plain language. In large part the attitude of business in the last campaign was not above unworthy motive. There was a resentment against the forms and the volume of taxation, and it was expressed in the sustained bitterness against Woodrow Wilson.

"The Wilson haters were not enraged at him as a personality—taxes developed an obsession, and it spread like an epidemic. Millions of dollars have not been contributed throughout the years to the reactionary cause from wholly patriotic purpose. They always have been regarded as an investment, and the slogan that business would be better under a reactionary régime was born of experience because preference had been showered upon certain interests by governmental policy.

"CALLS TIMES UNPRECEDENTED.

"In the past the financial burdens of administration have been shifted largely to the mass, and the belief that it would be done again accounted for the almost hysterical support that business rendered to the reactionary cause in the campaign of 1920.

"The statement that taxes would be reduced doubtless was based by some on an honest belief.

"They failed, however, to recognize that these are unprecedented times. We can not chart the future by the past. The interest and sinking fund charges on our national debt a year are as much as was our entire debt at the close of the war in the States in 1865. In some manner a minimum of $5,000,000,000 must be collected to maintain the integrity of our obligations and meet the current cost of government.

"SAYS TAXES CAN NOT BE CUT.

"That no change in taxation policy worth the name is possible is evidenced by the embarrassment of the administration at Washington. Turn, as it will, to the many suggestions that have come, the ultimate realization is that the country has a large financial burden to bear and very heavy taxes are inevitable.

"Mr. Babson accounts for the recent lowering of security values and the unfavorable trend of business generally from the circumstance of the speech made by Ambassador Harvey in London, in which he said in plain words that we were a selfish Nation, had acted from that impulse, and intended to stick to our own affairs in the future.

"If the habit of diplomacy that has ruled throughout the years had been waived, the unfavorable reaction from the Harvey statement would have jarred the American Nation.

"We are the great creditor of the world. We possess the controlling supply, and other nations are guarded in what they say, lest offense be given.

"AFFAIRS GROW WORSE, IS CLAIM.

"Mr. Babson is right. The Harvey episode has been most disquieting. Our economic affairs become worse daily. No remedy in the form of statute or administrative policy has turned the unfavorable trend. Values have dwindled to the danger point and thousands of men and women and business concerns whose financial stability has never been questioned are wondering to-day whether or not they are worth a cent.

"We are gathering the harvest of our own sowing. Except for the operation of the Federal reserve bank system, we would be in the midst of the worst panic the world has known.

"Nevertheless, a process of liquidation is going on in the banks just as fast as it is safe to conduct it. Business and physical property, on present standards, that do not equal their indebtedness in the banks, quietly are being closed out.

"COULD HAVE BEEN AVOIDED.

"Assets change in valuation, but debts never do.

"How easily it all could have been avoided. If the treaty of Versailles had been ratified by America, if we had taken our place in the councils of the nations of the world when the war was over, economic readjustment would have come under conditions that would not have brought the distress that we now witness. That was the psychological moment for action, but notwithstanding our delay, the time was ripe in the latter part of 1920, and if a mandate expressive of the real conscience of America had been expressed in November last year Europe would have received the credit necessary for the purchase of commodities needed.

"The dawn of rehabilitation was in sight, but it was obscured by a result the effect of which in its extremity has not been felt even yet. In a word, our unhappy business conditions to-day are due to vast inventories bought at high prices and that can not be sold even at great reduction. Europe needed every dollar of our surplus of farm and factory, and we had a prosperity not long ago upon which we could have based a credit that would have saved the day. The stagnation on the farm in November and December in 1920 and the surplus of manufactured goods all could have been avoided. Inventories would have been turned into cash and the banks to-day would have had more money than at any time in the history of the country.

"SEES STROKE OF PARALYSIS.

"In times past, when manufacturing was at low ebb, banks had ample funds; now money is tight and factories are doing little or nothing, for the very reason that vast inventories have not been turned into funds.

"Readjustment at its worst under the circumstances of international cooperation would have been as but a slight fever. We are witnessing a stroke of paralysis. That's the difference. That's the cost.

"Babson has spoken in words that men understand because his subject matter concerns their pocketbooks.

"The Good Book says: 'Whatsoever a man soweth, that shall he also reap.'

"When the cloud of war lifted we, rich in resources, almost beyond words and relatively untouched by tragedy, had the opportunity to be the good Samaritan, to reach out our hand and bind up the wounds of a stricken world. Within God's sight we turned away and passed on the other side. What can we expect now?"

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. To-day is unanimous-consent day. The Clerk will call the first bill on the Calendar for Unanimous Consent.

EXCHANGE OF GOVERNMENT LANDS, HAWAII.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 4598) to provide for the exchange of Government lands for privately owned lands in the Territory of Hawaii.

RURAL POST ROADS.

Mr. DUNN. Mr. Speaker, I move to suspend the rules and pass Senate bill 1072, as amended by the House committee.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass Senate bill 1072, with amendments of the House committee, which the Clerk will report.

The Clerk read as follows:

An act (S. 1072) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

*Be it enacted, etc.*, That section 2 of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," approved July 11, 1916——

Mr. GARRETT of Tennessee (interrupting the reading). Mr. Speaker, as I understand it, the motion was to pass the Senate bill with amendments. The Clerk has omitted the reading of the Senate bill. I have no objection to that being done by unanimous consent.

The SPEAKER. When a motion to suspend the rules is made, the practice is to read the portion of the bill and the amendment that is intended to be passed.

Mr. WINGO. Mr. Speaker, will the Speaker hear me a moment upon that? I know that has grown up to be the practice, but here is a motion which in effect is to consider the Senate bill and pass it so amended as to read as follows. I submit that if the Senate bill is going to be considered, it must be reported, at least by title, and if objection is made it must be reported in full. Then, after it is reported in full, the Clerk will read the text of the House amendment which is the pending motion to substitute for the Senate bill—in other words, to pass the Senate bill with the amendments. I submit that the Senate bill ought to be reported by title, of course, if nobody objects, but if somebody insists then that it should be reported in full. I know we have gotten into the habit of doing it the other way. I insist that the bill from the Senate when called up must be read.

Mr. MONDELL. Mr. Speaker, the motion is to suspend the rules and pass the amendment made by the House committee to the Senate bill. That does not require the reading of the Senate bill.

Mr. GARRETT of Tennessee. If the gentleman will yield, I think the RECORD will show that the gentleman from Wyoming is in error in stating that the motion was made in that form. As I caught the motion of the gentleman from New York [Mr. DUNN], it was to suspend the rules and pass the Senate bill with House amendments.

The SPEAKER. The Chair thinks that in stating the question he stated it was to pass the Senate bill as amended by the House committee.

Mr. GARRETT of Tennessee. It is because of the fact that I caught the motion as I have stated, as made by the gentleman from New York, that I have called attention to it. I have no objection to dispensing with the reading of the Senate bill.

Mr. MONDELL. If there is any question about it, the gentleman from New York can again submit his request to pass the Senate bill as amended by the House committee.

The SPEAKER. It seems to the Chair that the practical purpose is best effected by simply reading the portion of the bill which it is expected to have enacted, because the motion to suspend the rules does not allow more than one vote. In ordinary cases the Senate bill is reported and then the House amendments. Then the vote comes first on the amendments and then on the bill as amended. Of course, under a suspension there is only one vote, and that is on the passage of whatever has been read. That has been the practice, and the Chair thinks that conforms to the convenience of the House. Only the matter is read which the House is to pass upon. It seems to the Chair to be clearly a waste of time to read the Senate bill and then the amendments. Inasmuch as the practice is in the way the Chair has suggested, the Chair is disposed to rule that all the Clerk ought to report is the title of the Senate bill and then the portion that may have been left by the House committee, and the amendment of the House committee.

Mr. WINGO. I think the Speaker is right as a practical proposition. I think it would be useless for anyone to demand the full reading of the Senate bill. I think the reporting of the Senate bill by title is a technical reporting of it to the House, but the point I want to impress is that we can not consider a Senate bill without its being reported.

Of course, unless there was some special reason, I think it is mere captiousness simply to insist on the House being burdened with the reading. As I understand the Senate bill has been reported by title. I hope no one will insist on its being read in full, but I do insist on the fact that the motion seems to be to pass the Senate bill——

Mr. MONDELL. The bill has been reported by title.

The SPEAKER. It certainly would remove everybody's objection if the gentleman from Arkansas, for instance, would ask unanimous consent——

Mr. WINGO. But I submit the practice is that where it is not demanded a bill is reported simply by title, and so if no one demands it the Clerk would read as he has read. I understood the gentleman from Tennessee, possibly, insisted that the Senate bill should be read. I do not know——

Mr. GARRETT of Tennessee. No, Mr. Speaker; the gentleman from Arkansas misunderstood me. I caught the motion of the gentleman from New York to be to move to suspend the rules and pass the Senate bill as amended by the House. Now, I did not notice the way in which the Speaker stated it to the House.

The SPEAKER. The Chair thinks that is the way he stated it, as amended by the committee.

Mr. GARRETT of Tennessee. Then, that being the case, I say that unless by unanimous consent the reading of the Senate bill were dispensed with it would have to be read.

Mr. STAFFORD. Will the gentleman yield? Suppose the motion of the gentleman from New York had been to move to suspend the rules and pass the Senate bill (S. 1072) with amendments to the House committee only so far as sections 1 and 2 are concerned. Does the gentleman contend that he would have to read the Senate bill and all the amendments reported by the House committee?

Mr. GARRETT of Tennessee. I think that would depend upon the form in which he submitted the motion. But, Mr. Speaker, in order to eliminate the difficulty I will ask unanimous consent that the reading of the Senate bill be dispensed with.

Mr. MONDELL. I do not think that is necessary.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. MONDELL. I hope the gentleman will not object.

Mr. STAFFORD. It would not be read under the ruling of the Speaker. There is no necessity of establishing such a precedent as contended for by the gentleman from Arkansas.

Mr. WINGO. I will submit to the gentleman the precedent has been established at least three or four times on my insistence.

Mr. MONDELL. Mr. Speaker, the motion was very clear and definite——

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

Mr. MONDELL. The gentleman from New York moves to suspend the rules and pass the bill as amended by the committee, and that was what the Clerk was proceeding to read.

Mr. HICKS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HICKS. Has not the Chair rendered a ruling in reference to how this bill shall be read?

The SPEAKER. Well, the Chair has indicated his opinion, but still he is willing to hear gentlemen.

Mr. HICKS. If the opinion has been rendered, I will call for the regular order.

The SPEAKER. The Chair thinks it is in his discretion to listen to argument as much as he pleases.

Mr. HICKS. I think the Chair was absolutely correct in the way in which he stated the proposition.

Mr. MONDELL. Mr. Speaker, regular order.

The SPEAKER. The Clerk will continue the reading of the amendments.

The Clerk read as follows:

As amended by section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, is hereby amended to read as follows:

"SEC. 2. That for the purpose of this act the term 'rural post road' shall be construed to mean any public road, a major portion of which is now used, or can be used, or forms a connecting link not to exceed 10 miles in length of any road or roads now or hereafter used for the transportation of the United States mails, excluding every street and road in a place having a population, as shown by the latest available Federal census, of 2,500 or more, except that portion of any such street or road along which the houses average more than 200 feet apart; the term 'State highway department' shall be construed to include any department, commission, or board having adequate powers and suitably organized to discharge, to the satisfaction of the Secretary of Agriculture, the duties herein required of the State in the construction and maintenance of roads improved hereunder; the term 'construction' shall be construed to include reconstruction and improvement of roads; 'properly maintained,' as used herein, shall be construed to mean the making of needed repairs and the preservation of a reasonably smooth surface, considering the type of the road, but shall not be held to include extraordinary repairs, nor reconstruction; necessary bridges and culverts shall be deemed parts of the respective roads covered by the provisions of this act."

SEC. 2. That the portion of section 3 of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, which reads: "*Provided*, That in States where the constitution prohibits the State from engaging in any work of internal improvements, then the amount of the appropriation under this act apportioned to any such State shall be turned over to the highway department of the State or to the governor of said State to be expended under the provisions of this act and under the rules and regulations of the Department of Agriculture when any number of counties in any such State shall appropriate or provide the proportion or share needed to be raised in order to entitle such State to its part of the appropriation apportioned under this act," is hereby amended to read as follows: "*Provided*, That any State desiring to avail itself of the benefits of this act shall, not later than three years after the adjournment of the first regular session of the State legislature from and after the passage and approval of this act, provide State funds each year at least equal to the amount apportioned for such year by the Federal Government to said State for the construction of highways: *Provided further*, That nothing herein shall be deemed to prevent any State from receiving such portion of said principal sum as is available under its existing constitution and laws, or to receive their proportionate share of each year's appropriation under existing constitution and laws until three years after the adjournment of the next regular session of the legislature from and after approval of this act."

SEC. 3. That section 4 of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, is hereby amended to read as follows:

"SEC. 4. That so much, not to exceed 3 per cent, of the appropriation for any fiscal year made by or under this act as the Secretary of Agriculture may estimate to be necessary for administering the provisions of this act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, shall be deducted for these purposes, available until expended. Within 60 days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purposes will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other amounts authorized by this act apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments. The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: One-third in the ratio which area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States, at the close of the next preceding fiscal year, as shown by the certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: *Provided*, That no State complying with the provisions of this act shall receive less than one-half of 1 per cent of the total sum apportioned among the States for each fiscal year."

SEC. 4. That the first paragraph of section 6 of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended, is hereby amended to read as follows:

"SEC. 6. That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however*, That the Secretary of Agriculture shall approve only such projects as may be substantial in character, and the expenditure of funds hereby authorized shall be applied only to such improvements: *And provided further*, That he shall not approve any projects in any State until said State shall provide a State fund adequate for the maintenance of Federal-aid roads and by law shall place said maintenance work under the direct control of the State highway department: *Provided further*, That in any State where the existing constitution or laws do not provide for such maintenance or will not permit a State fund for maintenance, the Secretary of Agriculture shall continue to approve projects for said State until three years after the adjournment of the first regular session of the legislature from and after the approval of this act: *Provided further*, That the funds for maintenance are appropriated or provided by the civil subdivision of the State and are expended under the direct control of the State highway department. Items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per cent of the total estimated cost of the work.

"If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such projects, which shall not exceed 50 per cent of the total estimated cost thereof, except that in the case of any State containing unappropriated public lands and reservations under Federal control exceeding 5 per cent of the total area of all lands in the State, as shown by certificate of the Secretary of the Interior, which he is directed to make and furnish annually to the Secretary of Agriculture, the share of the United States payable under this act on account of such project shall not exceed such 50 per cent of the total estimated cost thereof plus a percentage of such total estimated cost equal to one-half of the percentage which the area of the unappropriated public land plus the area embraced in reservations under Federal control in such State bears to the total area of such State: *Provided*, That the limitation of payments not to exceed $20,000 per mile, which the Secretary of Agriculture may make, be, and the same is hereby, increased in proportion to the increased percentage of Federal aid authorized by this amendment. No payment of any money apportioned under this act shall be made on any project until such statement of the project and the plans, specifications, and estimates therefor shall have been submitted to and approved by the Secretary of Agriculture."

SEC. 5. That section 7 of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, is hereby amended to read as follows:

"SEC. 7. To maintain the rural post roads constructed under the provisions of this act shall be the duty of the States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this act is not being properly maintained, he shall give notice of such fact to the highway department of such State, and if within 100 days from the receipt of said notice said road has not been put in a proper condition of maintenance by the State highway department, then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State until such road has been put in a condition of proper maintenance, and if within 100 days from the receipt of said notice the said road has not been put in a proper condition of maintenance, then the Secretary of Agriculture, in addition to such refusal to approve any further project for road construction in said State, shall proceed immediately to have such road put in a condition of proper maintenance by letting contract therefor and shall charge the costs thereof against the Federal funds allotted to such State. Upon reimbursement by the State of the amount expended by the Federal Government for such maintenance work, said amount shall be paid into the United States Treasury to the credit of miscellaneous receipts, and the Secretary of Agriculture shall then approve further projects for said State."

SEC. 6. That in approving projects to receive Federal aid under the foregoing provisions the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of roads interstate in character. Before any projects are approved in any State, such State, through its State highway department, shall select or designate not to exceed 7 per cent of the total road mileage of such State as shown by the records of the State highway department at the time of the passage of this act. Upon this system all Federal-aid apportionments shall be expended. Roads which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate roads and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other which shall be known as secondary or intercounty roads and shall consist of the remainder of the mileage which may receive Federal aid. The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of roads above provided for. Not less than 60 per cent of all Federal aid allotted to any State shall be expended upon the primary or interstate roads until provision has been made for the improvement of the entire system of such roads. Whenever provision has been made by any State for the completion and maintenance of a system of interstate and intercounty roads equal to 7 per cent of the total mileage of such State, as required by this act, said State, through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to add to the mileage of interstate and intercounty road system as funds become available for the construction and maintenance of such additional mileage.

SEC. 7. That section 8 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, is hereby amended to provide that 50 per cent of the appropriations therein made shall be expended on roads within or partly within the national forests and embraced in or constituting necessary extensions of the system of main roads in the State, Territory, or insular possessions, and that this amount shall be apportioned among the States, Territories, and insular possessions in which are located the national forests in the ratio which the area of the national forests within each State, Territory, or insular possession bears to the total area within the national forests: *Provided*, That the cooperative agreement for the survey, construction, and maintenance of any such road or trail shall be between the Secretary of Agriculture and the proper officials of the State, Territory, or insular possession. The remaining 50 per cent of appropriations therein made shall be expended on roads and trails necessary for the protection, administration, and utilization of the national forests, and shall be apportioned by the Secretary of Agriculture in proportion to the relative needs of the national forests, taking into consideration existing transportation facilities, value of timber or other resources served, relative fire danger, and comparative difficulties of construction. The Secretary of Agriculture may waive cooperation on such forest roads where essential for the protection, administration, and utilization of the forest: *Provided further*, That if more than $6,000,000 is appropriated for any one year under the provisions of this section the excess shall all be added to the 50 per cent applicable to roads forming parts of or extensions of the system of main State roads.

SEC. 8. That the Secretary of Agriculture shall encourage a more general understanding of the economic use of public roads and highways and shall collect, publish, and demonstrate for the benefit of all sections of the United States useful information on highway transport, construction, and maintenance, which shall also include such recommendations as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

SEC. 9. That any sums apportioned to any State under the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplemental thereto, shall be available for expenditure in that State for the purpose set forth in such acts until two years after the close of the respective fiscal years for which any such sums become available; and any amount so apportioned remaining unexpended at the end of the period during which it is available for expenditure under the terms of such acts shall be reapportioned in accordance with the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916.

During the reading of the above the following occurred:

Mr. MONDELL. Mr. Speaker——

The SPEAKER pro tempore (Mr. STAFFORD). For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. Has the Clerk concluded the reading of the bill?

The SPEAKER pro tempore. He has not.

Mr. MONDELL. How much more is there?

The SPEAKER pro tempore. A page and a half.

Mr. MONDELL. I suggest the Clerk conclude the reading of the bill.

The SPEAKER pro tempore. The Clerk will continue the reading of the bill.

The Clerk resumed and concluded the reading of the bill.

SWEARING IN OF A MEMBER.

Mr. ALMON. Mr. Speaker, at a special election held in the fourth congressional district of Alabama on the 7th day of June, 1921, to fill the unexpired term caused by the death of Hon. Fred L. Blackmon, Maj. LAMAR JEFFERS was elected. A certificate of election has been filed with the Clerk. Maj. JEFFERS is present and desires to take the oath of office. [Applause.]

Mr. JEFFERS appeared before the bar of the House and took the oath of office.

CONSTRUCTION OF RURAL POST ROADS.

The SPEAKER pro tempore. Is a second demanded?

Mr. HICKS. I demand a second.

Mr. DOUGHTON. I demand a second.

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

The SPEAKER pro tempore. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, I would like to ask if the gentleman who demanded a second is opposed to the bill?

The SPEAKER pro tempore. The gentleman from Washington makes the inquiry as to whether the gentleman from North Carolina is opposed to the bill.

Mr. DOUGHTON. He is not.

The SPEAKER pro tempore. Is there anyone present opposed to the bill who demands a second?

Mr. HICKS. Mr. Speaker, I am opposed to the bill and I demand a second.

The SPEAKER pro tempore. The Chair will recognize the gentleman from New York to demand a second.

Mr. MONDELL. Is the gentleman from New York, who calls up the bill, in favor of the bill?

The SPEAKER pro tempore. The gentleman from New York moves to suspend the rules, and under the rules of the House he is entitled to 20 minutes.

Mr. MONDELL. Well, I assume, then, he will yield to those in favor of the legislation.

The SPEAKER pro tempore (Mr. STAFFORD in the chair). The gentleman from Wyoming [Mr. MONDELL] makes the inquiry as to whether the gentleman from New York [Mr. DUNN] is in favor of the bill. The Chair will state that under the uniform practice when a gentleman moves to suspend the rules and pass a bill he is presumed to be in favor of the bill, and has charge of 20 minutes allotted for debate in favor of the bill. The gentleman from New York [Mr. HICKS] demands a second in opposition. The gentleman from Kentucky [Mr. ROBSION] asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 80. Joint resolution authorizing the Postmaster General to appoint delegates to the Pan American Postal Congress.

The message also announced that the Senate had concurred in the following House concurrent resolution:

House concurrent resolution 18.

*Resolved by the House of Representatives (the Senate concurring)*, That there shall be printed and bound a vest-pocket edition of the Congressional Directory, of which there shall be one edition only during each session of Congress.

The preparation, number, style, and distribution of such directory shall be under the control of the Joint Committee on Printing: *Provided, however*, That the usual number shall not be printed.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 6320) to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes, had agreed to the conference asked by the House, and had appointed Mr. NORRIS, Mr. KENYON, and Mr. KENDRICK as the conferees on the part of the Senate.

DELEGATION FROM THE PARLIAMENT OF JAPAN.

Mr. MONDELL. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MONDELL. I ask unanimous consent to address the House for two minutes.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, we are honored by the presence in the gallery of a distinguished party of gentlemen, members of the Parliament of Japan. [Loud applause, the Members of the House rising.]

Mr. Speaker, it is always an honor to have as visitors in the House members of important legislative bodies. It is a peculiar and an especial honor to have with us to-day members of the legislative bodies of the oldest Empire of the world, an Empire now operating under legislative constitutional government, an Empire with which and with whose people we have sustained relations of peculiar cordiality, amity, and good will. [Applause.]

Mr. Speaker, as a mark of our respect for our distinguished visitors and our high regard for the great nation they represent, I move you that the House stand in recess, subject to the call of the Chair, and that the distinguished visitors be invited to the floor, that the Members may have the opportunity to meet and greet them. [Applause.]

The SPEAKER pro tempore. The gentleman from Wyoming [Mr. MONDELL] moves that the House stand in recess, subject to the call of the Chair, so that the Members of the House may have the pleasure of meeting the distinguished representatives from the Parliament of Japan.

The question is on agreeing to the motion.

The motion was unanimously agreed to.

Accordingly (at 12 o'clock and 40 minutes p. m.) the House stood in recess.

DURING THE RECESS.

During the recess the members of the delegation from the Parliament of Japan were escorted to the floor by the Sergeant at Arms and a committee of the House of Representatives, were received with applause, and personally greeted by the Members of the House.

AFTER RECESS.

The recess having expired (at 1 o'clock p. m.) the House was called to order by the Speaker pro tempore (Mr. STAFFORD).

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved bills and joint resolution of the following titles:

On May 27, 1921:

H. R. 4586. An act to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto; and

H. R. 2435. An act imposing temporary duties upon certain agricultural products to meet present emergencies, and to provide revenue; to regulate commerce with foreign countries; to prevent dumping of foreign merchandise on the markets of the United States; to regulate the value of foreign money; and for other purposes.

On May 31, 1921:

H. R. 2173. An act authorizing the construction, maintenance, and operation of a private drawbridge over and across Lock No. 4 of the canal and locks, Willamette Falls, Clackamas County, Oreg.

On June 8, 1921:

H. J. Res. 148. Joint resolution for the relief of sufferers in Colorado from the flood due to the overflow of the Arkansas River and its tributaries.

On June 10, 1921:

H. R. 89. An act for the public sale of post-office site on the west side of South Main Street, in the city of Bethlehem, Pa.; and

H. R. 6567. An act to amend section 407 of the transportation act of 1920.

On June 16, 1921:

H. R. 6300. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1921, and prior fiscal years, and for other purposes.

On June 18, 1921:

H. R. 2466. An act to constitute Fort Worth, in the State of Texas, a port of entry and to extend to said port the privileges of section 7 of an act approved June 19, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes"; and

H. R. 3018. An act granting the consent of Congress to H. H. Haynes to construct a dike across Mud Slough, on Isthmus Inlet, in section 23, township 26 south, range 13 west, of Willamette meridian, in Oregon.

On June 21, 1921:

H. R. 4091. An act granting the consent of Congress to the Borderland Coal Corporation to construct a bridge across the Tug Fork of Big Sandy River, in Mingo County, W. Va.

On June 24, 1921:

H. R. 2428. An act granting certain lands to Converse County, Wyo., for a public park; and

H. R. 5223. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 5616. An act granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of Pennsylvania;

H. J. Res. 82. Joint resolution ratifying the reestablishment of the boundary line between the States of Pennsylvania and Delaware;

H. R. 2499. An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii; and

H. R. 5010. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1837) to amend section 32 of the act of Congress approved July 17, 1916, known as the Federal farm loan act.

CONSTRUCTION OF RURAL POST ROADS.

The SPEAKER pro tempore. The gentleman from New York [Mr. DUNN] is entitled to 20 minutes and the other gentleman from New York [Mr. HICKS] is entitled to 20 minutes.

Mr. SNYDER. Mr. Speaker, I desire to say that my colleague from New York [Mr. HICKS] desired me in his absence to take charge of the time in opposition to the bill.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SNYDER. I am.

The SPEAKER pro tempore. The Chair will recognize the gentleman from New York [Mr. SNYDER].

Mr. DUNN. Mr. Speaker, I would like to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DUNN. I would like to have a ruling of the Chair as to whether anyone is entitled to take charge of the bill who is against the provisions of the bill, even though he is chairman of the committee?

Mr. ROBSION. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. ROBSION. Will the gentleman from New York yield?

Mr. MONDELL. Mr. Speaker, before the gentleman from Kentucky [Mr. ROBSION] interrogates the gentleman from New York, may we know what the gentleman's parliamentary inquiry was? We did not hear it.

The SPEAKER pro tempore. The gentleman from New York [Mr. DUNN], the chairman of the Committee on Roads, who moves to suspend the rules and pass the Senate bill with House amendment, states that he is opposed to the bill and wishes to know whether he is entitled to control the time under those circumstances for 20 minutes in debate.

Mr. MONDELL. Mr. Speaker, if the Chair will allow me, I do not know whether that is a parliamentary inquiry or not. True, it presents a situation which I am sure will appeal to the gentleman from New York if he will stop for a moment to think of the situation presented. The gentleman from New York may, of course, very properly hold any opinion for or against the bill, but I think the gentleman will scarcely desire to control the time on behalf of the bill and speak against it. So it occurs to me that, if the gentleman is to speak against the bill, the proper way for him to do it would be to yield the time on behalf of the bill to some one who is in favor of it.

Mr. BLANTON. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. I make the point of order that, under the admission of the gentleman, the time should be controlled by the gentleman from Kentucky [Mr. ROBSION] or some other gentleman in favor of the bill.

Mr. ROBSION. Will the gentleman yield? I might say, Mr. Speaker, that this is my bill, and the Roads Committee ordered me to report it and have charge of the bill on the floor of the House; and it was my understanding that the Speaker would recognize me this morning to offer to pass the bill as amended by the Roads Committee. I have talked with the gentleman from New York [Mr. HICKS], and he had already yielded 10 minutes of his time in opposition to the gentleman from New York [Mr. DUNN], and I certainly shall oppose both of the gentlemen from New York controlling all the time on this bill.

The SPEAKER pro tempore. The Chair will state that it was within the right of the gentleman from New York [Mr. DUNN], as chairman of the Committee on Roads, to move a suspension of the rules and pass the bill, which he did. The question now is as to how the time of 40 minutes under the rule, 20 minutes in favor thereof and 20 minutes against, shall be allotted. It has been the uniform practice for a gentleman moving a suspension of the rules to have charge of the time in favor, because it is the presumption that as he moved to suspend the rules to pass the bill, he naturally favored the passage of the bill, else he would not have moved its passage.

But the Chair is confronted with an unusual condition, unknown to him in his 14 years of service in the House, wherein a like situation has never occurred.

It is within the power of the gentleman from New York [Mr. DUNN] to yield, if he desires, the 20 minutes to any Member he sees fit who is in favor of the bill, or to allot the time individually to those whom he believes are in favor of the bill.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. So that if that is the desire of the gentleman, we will proceed with the consideration of the bill under that condition.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER pro tempore. It is the duty of the Chair under the rule to see that the 40 minutes provided in the rule shall be apportioned, 20 minutes to those in favor and 20 minutes to those in opposition. The gentleman from New York [Mr. DUNN] has control of 20 minutes, and his colleague from New York [Mr. SNYDER] has control of 20 minutes. The gentleman has stated the rules of the House correctly.

Mr. RAYBURN rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Texas rise?

Mr. RAYBURN. I rise to submit a unanimous-consent request.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAYBURN. And before I do that I would like to make a little statement, if I may. I ask unanimous consent to address the House for two minutes.

The SPEAKER pro tempore. The gentleman asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. RAYBURN. Since reading this bill again, and carefully, I find that, although very much in favor of legislation of this sort in the past, I can not support this bill. It absolutely wrecks the whole road system of the United States. It makes it necessary for us to adopt a constitutional amendment before we can participate.

Mr. MONDELL. Mr. Speaker, the gentleman is not talking to the parliamentary inquiry.

Mr. RAYBURN. I had unanimous consent to speak for two minutes.

Mr. ROBSION. The gentleman is entirely in error.

Mr. RAYBURN. No; I am not entirely in error. I know what the bill says. Before my State can participate in the provisions of this law it has to adopt a constitutional amendment. I do not want my State to be coerced in such a way in order to participate in this.

Now, my unanimous-consent request is this: From the fact that I can not get time to make a statement, and nobody else from my State is on the list to oppose this bill, I ask unanimous consent that the time, instead of 20 minutes on a side, be limited to 30 minutes on a side.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the time fixed by the rule be extended 20 minutes, so as to have 30 minutes on a side. Is there objection?

Mr. MONDELL. I have no objection to that, provided it is understood that the time shall be equally divided between those in favor of the bill and those against the bill.

Mr. RAYBURN. I am perfectly willing to make that modification.

Mr. DUNN. I object.

The SPEAKER pro tempore. The gentleman from New York objects. Has the gentleman from New York any suggestion to make to the Chair as to the disposition of the time to those in favor of the bill?

Mr. MADDEN. As I understand it, Mr. Speaker, if I may so state, it is within the jurisdiction of the gentleman controlling the time to say what disposition shall be made of the time.

The SPEAKER pro tempore. But there can not be, under a fair construction of the rules, any right to allow Members who are opposed to the bill to control the 40 minutes, so that no 20 minutes will be allotted to those in favor of the bill. [Applause.] It is the duty of the Chair to see that the time to which they are entitled is awarded to those in favor of the bill.

Mr. TOWNER rose.

The SPEAKER pro tempore. The Chair will hear the gentleman from Iowa.

Mr. TOWNER. It was exactly right and within the precedents for the Speaker to do as he did in recognizing the gentleman from New York [Mr. DUNN], but, as he himself has stated, it is to be presumed that the person who moves to suspend the rules is in favor of the bill.

Now, we come to another question, and that is as to control of the time. It does not necessarily follow that the person who moves to suspend the rules should control the time. But the rule does state that the time must be controlled and be given one half to those favoring the bill and the other half to those opposed.

The SPEAKER pro tempore. Right there, it is the duty of the Chair to see that 20 minutes is allotted to those in favor of the bill.

Mr. TOWNER. Exactly; and this is the question I want especially to submit: It having been determined by the committee itself that the gentleman from Kentucky [Mr. ROBSION] should present the matter to the House, and he being in favor of the bill and representing the committee with respect to the bill, would it not be perfectly proper for the Chair to recognize him to control the time of those favoring the bill? It seems to me it would be perfectly proper.

Mr. ALMON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The time for the allotment of debate is under the control of the Speaker. It has been the practice, as stated by the present occupant of the chair, that the Member making the motion would have control of the time. It would relieve the situation and it would relieve the Chair if the gentleman from New York [Mr. DUNN] will yield the 20 minutes at his disposal to the gentleman from Kentucky [Mr. ROBSION], and we would then proceed with the consideration of this bill.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

Mr. DUNN. I wanted to clarify the matter as to whether I was entitled to take this position or not. I want no advantage that is not mine, and I should like to have a ruling of the Chair to that effect. Am I entitled to take charge of the bill and have the 20 minutes?

Mr. MONDELL. Well, Mr. Speaker, if the Chair will allow, that involves the question as to whether or no, by making the motion to suspend the rules and then by insisting that some one in opposition to the bill shall control the other side, the gentleman from New York may bar those who are in favor of the bill from being heard. Of course, that is contrary to all parliamentary rules and practice.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Since the Chair has made his last statement in relation to the control of the time, he has had his attention called to a precedent that is somewhat in point. It is found in Second Hinds' Precedents, paragraph 1449, the syllabus of which is as follows:

> The chairman of a committee, having in committee opposed a bill, must in the House yield prior recognition to a member of his committee who has favored the bill.

The Chair holds that the gentleman from New York [Mr. DUNN] when recognized by the Speaker had the right to move the suspension of the rules, as he did to pass the bill, but upon his statement that he is opposed to the bill and the statement of the gentleman from Kentucky [Mr. ROBSION] that he is in favor of it and was directed by the Committee on Roads to take charge of the bill, will recognize the gentleman from Kentucky for 20 minutes in favor of the bill, and the gentleman from New York [Mr. SNYDER] in opposition for 20 minutes. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I submit this: The minority has some rights here. The gentleman from Ken-

tucky [Mr. ROBSION] is, I think, properly entitled, and I think the Chair has ruled correctly in accordance with the precedents. I desired to call attention to that.

Now it develops that there are gentlemen on this side of the Chamber who are opposed to the bill. The gentleman from Texas [Mr. RAYBURN] has just stated that he is opposed to the bill. Would not the gentleman from Texas be entitled to recognition over the gentleman from New York to control the time in opposition, if he requests it?

The SPEAKER pro tempore. The Chair will refresh the memory of the leader of the minority by stating that when the motion of the gentleman from New York [Mr. DUNN] was made to suspend the rules and a second was demanded by the gentleman from North Carolina [Mr. DOUGHTON] the Chair asked the gentleman from North Carolina if he was opposed to the bill and he said he was not. He did not qualify.

Mr. GARRETT of Tennessee. That is correct.

The SPEAKER pro tempore. The gentleman from New York [Mr. HICKS] then rose and said that he demanded a second because he was opposed to the bill. No Member of the minority rose to claim recognition in opposition to the bill. If he had, the present occupant of the chair would have recognized him under the uniform practice of party division.

Mr. GARRETT of Tennessee. But it has developed——

The SPEAKER pro temppre. But no Member of the minority having arisen to demand a second, the Chair recognized the gentleman from New York.

Mr. GARRETT of Tennessee. But, Mr. Speaker, with all deference, it has developed, before the debate has begun, before a word has been said upon the subject in the way of debate, that there is a Member of the minority who announces that he is opposed to the bill.

The SPEAKER pro tempore. Ah, but the gentleman comes too late with that. The demand should have been made at the time when a second was demanded. The Chair can not set aside the order of the House whereby a second has been considered as ordered, and dispossess the only gentleman rising in opposition and demanding recognition of the time, which under the invariable practice has been under his control.

Mr. RAYBURN. It was just done in the case of the gentleman from New York [Mr. DUNN].

Mr. MAGEE. Mr. Speaker, I desire to submit a request for unanimous consent.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MAGEE. I think that the rights of the minority should always be fully protected. I ask that the time for debate be extended 20 minutes, to be controlled by some one of the minority recognized by the Speaker.

Mr. MONDELL. Mr. Speaker, I shall have to object to that.

The SPEAKER pro tempore. The gentleman from New York [Mr. MAGEE] asks unanimous consent that the time for debate be extended 20 minutes, that 20 minutes to be controlled by some member of the minority.

Mr. DOUGHTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. I shall have to object.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. DOUGHTON] will state his parliamentary inquiry.

Mr. DOUGHTON. The objection of the majority leader removes the necessity for my inquiry.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROBSION] is recognized for 20 minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I do not know——

Mr. ALMON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ALMON. Would it be within the province of the gentleman from Kentucky [Mr. ROBSION] to yield a part of his time to the gentleman from North Carolina [Mr. DOUGHTON] in order that the minority members of the committee who are in favor of the bill may have an opportunity to be heard?

The SPEAKER pro tempore. Certainly, that would be his privilege.

Mr. ROBSION. I have done so.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROBSION] is recognized for 20 minutes.

Mr. ROBSION. Mr. Speaker, President Harding in his recent message to the Congress made the following statement bearing on the road question:

> Transportation over the highways is little less important than transportation over the railroads. The highways are not only feeders for the railroads and afford relief from their local burden, they are actually lines in commerce. They are the smaller arteries of the larger portion of our commerce, and the motor car has become an indispensable instrument in our political, social, and industrial life. There has begun a new era in highway construction, the outlay of which runs far into the hundreds of millions of dollars. Bond issues by road districts, counties, and States amount to enormous figures, and the country is facing such an outlay that it is vital that every effort be directed against wasted effort and unjustifiable expenditures.
>
> The Federal Government can place no inhibition on the expenditures in the several States; but, since Congress has embarked upon a policy of assisting the States in highway improvement, wisely as I believe, it can assert a wholly becoming influence in shaping the road policy.
>
> With the principle of Federal participation acceptably established, probably never to be abandoned, it is important to exert Federal influence in developing plans looking to the promotion of commerce and apply our expenditures in the surest way to guarantee a proper return for money expended.
>
> I know of nothing more shocking than the millions of public funds wasted in improved highways, wasted because there was no policy of maintenance. There is nothing that Congress can do more effectively to end this shocking waste than condition all Federal aid on provisions for maintenance. Such conditions insisted upon in the grant of Federal aid will safeguard the public which pays and guard the Federal Government against abuses which tend to defeat the very purposes for which we authorize Federal expenditures.

FEDERAL AID AN ESTABLISHED POLICY.

The President says that Federal aid to the States for roads may now be considered an established policy. He also says that it is a wise policy and should not be abandoned. He points out that the public roads of the country mean more for transportation and commerce than the railroads, and the great and primary object in having the Federal Government to aid highway construction is to create "good-roads" sentiment, promote commerce, upbuild the mail service, the social and industrial life of the Nation, and to bring the producers and consumers of the country together; but the President insists that a well connected and correlated system of highways under a definite policy, with adequate provision for their maintenance and upkeep only should receive Federal aid, and to fail to provide for their maintenance would be an unwise and wasteful policy. So far as we have been able to observe, the people of the Nation want to see less money spent for armies and navies and more money spent for good roads. We rejoice to see the President take the lead in this splendid policy. The question before the Congress is, What is the best plan to bring about a connected system of Federal aid highways and provide for their maintenance?

THERE ARE TWO PLANS BEFORE THE CONGRESS.

Our bill proposes to amend and strengthen the present law and is backed by the American Highway Association, made up of the highway officials of the 48 States, and the American Farm Bureau, with 1,500,000 farmers as members. The other plan is known as the Townsend plan, promoted and backed by the American Automobile Association and the American Automobile Chamber of Commerce.

Quite a number of bills have been introduced in the House and referred to our Committee on Roads. These include the Dowell bill and Robsion bill. The American Highway Association, as well as the American Farm Bureau, with other associations interested in good roads, indorsed the Dowell bill. Senator PHIPPS introduced a bill in the Senate, S. 1072, which passed the Senate. This bill was referred to our committee. It amends the present road law in two respects: (a) To extend the time one year for the States that have not taken up their quota of Federal aid, (b) to permit greater Federal participation on roads in the States having large areas of public lands, but it does not increase the quota for such States. While the Phipps bill and the Dowell bill have been taken up and indorsed by these several associations some time ago, the parliamentary situation was such that I moved to strike out all of the Phipps bill after the enacting clause and substituted what is now known as the Robsion bill. The Robsion bill contains all of the provisions of both the Dowell and the Phipps bills, with some amendments further protecting the rights of the States. Mr. DOWELL has rendered great service for the cause of good roads. He generously and unselfishly agreed to the Robsion substitute, and that is the bill now before us for consideration. Mr. DOWELL has been, and is now, doing all he can to secure its passage. There is no better friend to good roads in Congress than the gentleman from Iowa [Mr. DOWELL]. In this connection we might mention Mr. M. C. Markham, who is the legislative representative for the Association of American Highway Officials. He has worked day and night for this legislation. His services have been effective and extremely valuable. Likewise, Mr. Gray Silver, representing the American Farm Bureau Federation, has made a strong fight for this legislation. He has been earnest and active all of the time, and, like Mr. Markham, his efforts have brought splendid results to the cause of good roads.

The highway officials of many States and the representatives of many good roads associations and all of the members of the Roads Committee of the House except the chairman, the gentleman from New York [Mr. DUNN], have been very active in the support of this legislation and have given very effective aid.

FARM TO MARKET ROADS PRODUCERS TO CONSUMERS PLAN.

The President's thought was in his message that it was wise for the Federal Government to aid the States in the construction of roads in order to promote the commerce of the country, to bring the producers and consumers together. The present road law was approved July 11, 1916. Nearly $300,000,000 have been appropriated by Congress under this law to aid the States. Practically every State in the Union has changed its constitution, and all of them have changed their laws to meet the requirements of the present law. Every State in the Union has laid out a system of roads with the approval of the highway department at Washington. Many of the States, like Kentucky, have by legislative enactment established a system of roads reaching to every county of the State, to be first improved with Federal aid. The central thought in the road systems laid out by every State is an interstate and intercounty system, "a farm to market" system, to bring the producers and the consumers together, to create good-road sentiment in each and every community, to promote the commercial, social, and industrial life of each and every community. Our bill and our plan as set out in this bill merely amends and strengthens the present road law in order to give to the country a definite system of "interstate and intercounty" highways and to require the States to provide funds to maintain these Federal-aid roads when once constructed. This bill makes the States the unit in dealing with the Federal Government to secure Federal aid, and it is the unit in providing funds to maintain the Federal-aid roads. Kentucky, as well as many other States, has already made provision for this.

Our bill does not change the apportionment of Federal aid to the States, except it provides that no States shall receive less than one-half of 1 per cent of the total appropriation. This amendment affects the States of Delaware, Rhode Island, New Hampshire, and Vermont. These small States have many roads and are subjected to heavy interstate traffic, but because of their small area they receive a small amount of Federal money. We think it only fair that these States have each at least one-half of 1 per cent of the Federal appropriation. There are 11 Western States with large areas of "public lands." We amend the law so that there may be greater Federal participation on such roads as receive Federal aid. For instance, more than 90 per cent of the total area of the State of Nevada is public lands. Roads must be built through these public lands, but no taxes can be collected on the part of the States, as these lands belong to the Federal Government. Without this amendment these Western States must be greatly handicapped. The country as a whole is interested in good roads being built through these States. Our bill extends the time one year for taking up Federal aid by those States that have not been able to do so. This bill also meets a great need in building roads and trails through the Government forest reservations. We think the amendments to the present law submitted in this bill meet the requirements in constructing a splendid system of interstate and intercounty roads with provisions for proper maintenance.

Mr. WARD of North Carolina. The gentleman means that they are backing the House bill.

Mr. ROBSION. Yes; all of these associations and organizations, as well as the Federal highway department, are backing this bill and are opposed to the Townsend plan.

AMERICAN AUTOMOBILE ASSOCIATION AND TOWNSEND PLAN.

The American Automobile Association and the American Automobile Chamber of Commerce have for years been sponsoring a transcontinental or interstate system of roads, Federally built and maintained. A coast-to-coast system, just a few Federal roads through the country, perhaps one road passing through each State. Several years ago Congressman Hobson, of Alabama, introduced a bill in the House embodying this plan. It was defeated and the present Federal aid road law adopted. Last year Senator TOWNSEND introduced a somewhat similar bill in the Senate, but it did not find favor with the road department here or the road officials of the several States or the persons who are interested in "farm-to-market" roads or a system of interstate and intercounty-seat roads, such as we now have. Senator TOWNSEND introduced a new bill in the Senate recently. It has the same old idea as the Hobson bill and the Townsend bill of last year, with some changes that might deceive some people, but is the same in principle. The Townsend plan proposes to do away with the present Federal aid road law and to establish a new law, do away with the present road department and establish a commission consisting of three men to receive $10,000 per year. These commissioners are granted the power to establish a system of interstate roads, to dictate the width of the roads and the materials of which they shall be constructed, as well as the plan of construction. Under the present law the State road department initiates the location of the highways in their several States. Do we want to take this power from our State road department and vest it in a commission here at Washington? Do we want to substitute a strictly interstate system for our present interstate and intercounty system? Do we want to create a "tourist" system of roads or strengthen and build up our present "farm-to-market" system? Do we want to destroy the "producers-to-consumers" system and install a "joy-rider" system?

All of the propaganda we receive advocating the Townsend system and the editorials appearing in the great newspapers of the great cities of the country advocating the Townsend plan appear to have two thoughts in their minds. One is that the Townsend plan provides a commission, and this commission will lay out these roads from coast to coast and to the great cities of the country, providing a great highway at least 20 feet wide for the tourists of the country. They want to take care of the joy riders of America. They nowhere seem concerned about the farmers getting their products to market or the millions of consumers in these cities having the benefit of these products. It is said that one-half of the perishable products of the country are lost every year because of lack of roads to get these products to the market. As expressed by the President, the first consideration in getting good roads is to aid the commerce of the country. The Townsend plan is the same "bill" that the American Automobile Association has been trying to give to American taxpayers for many years. The present Townsend plan merely sugarcoats the pill a little bit. Senator TOWNSEND is a splendid gentleman and intensely interested in good roads. I think he wants to help the good roads cause all he can. The American Automobile Association and the American Automobile Chamber of Commerce are located in the great cities of the country. Their viewpoint is a few great highways from coast to coast. They have done much for the cause of good roads, but their viewpoint is wrong. I would rather follow the viewpoint of the road builders of the several States and the farm organizations of the several States. They see the great necessity of connecting these rural communities and the producers with the cities of the country.

Mr. HILL. Will the gentleman yield?

Mr. ROBSION. I will.

Mr. HILL. Is not this the so-called Dowell bill?

Mr. ROBSION. Yes; this bill contains all of the provisions of the Dowell bill and Phipps bill, with some good amendments protecting the States.

Mr. HILL. Is not the bill advocated by the good roads commission of Maryland?

Mr. ROBSION. Yes; every State highway organization in America is backing this bill.

Mr. WARD of North Carolina. Is the gentleman sure that the highway commission of Virginia has indorsed this bill?

Mr. ROBSION. The president of the American Highway Associations, consisting of the State highway commissions, engineers, and officials of the 48 States and their representatives advise us that the highway officials of practically every State in the Union are back of this bill and want this bill.

Now, the gentleman from Texas [Mr. RAYBURN] states that this will compel the change of the State constitutions. Some States will have to change their constitutions perhaps to meet the requirements of the Federal Government, but they are given more than three years to make this change and will receive Federal aid during this time. It will require more States to change their constitutions if the Townsend plan is adopted. The President has clearly indicated that he would not approve further appropriations for Federal aid unless the State is made the unit in dealing with the Federal Government instead of the counties of the several States, and unless the State would provide a fund for the maintenance of these roads when once constructed. It is to the interest of all of us that when we build a good road that it be maintained. It is a foolish policy to build a road and then let it go to pieces. "A stitch in time saves nine" is a good policy in regard to roads.

Mr. JONES of Texas. Will the gentleman yield?

Mr. ROBSION. I will.

Mr. JONES of Texas. The gentleman speaks of those who favor the Townsend bill. Why does not the present system work all right?

Mr. ROBSION. I might say that the Federal Highway Department, the highway officials of the 48 States, the American farm bureaus and associations, and the President himself, urge the present law to be amended and strengthened.

Mr. LARSEN of Georgia. Will the gentleman yield?

Mr. ROBSION. I will.

Mr. LARSEN of Georgia. Was it not the opinion of the experts who came before our committee that the counties or other

subdivisions of the State could contribute funds to the State in order to provide a fund to secure Federal aid and to maintain the roads built under Federal aid?

Mr. ROBSION. Yes.

Mr. LARSEN of Georgia. And that would meet the objection of the gentleman from Texas?

Mr. ROBSION. The county can contribute funds. This bill makes the State the unit in dealing with the Federal Government, and it is up to the State to secure the funds from that Federal aid and to provide maintenance in such way as the State may desire.

Mr. JONES of Texas. It says that it shall provide State funds each year. It does not say county funds.

Mr. ROBSION. No. The State brings the county funds into the State treasury. This bill merely makes the State the unit instead of the county in dealing with the Federal Government. It could not be any other way. The Federal Government can not make these contracts or look to more than 3,000 counties in the Nation for the maintenance and protection of these Federal roads. This is a State matter and should be handled by the State.

Mr. Speaker, the gentleman from Ohio [Mr. BEGG] says he is for the farmers and for good roads. He says in his speech here to-day that he is against this bill and intended to vote against this bill, and he is against the present Federal aid law. His vote, then, will record him against good roads in this country. I would rather follow the statement of our leader from Ohio, the President, when he says that Federal aid is a wise policy and has come to stay than to take the statement of my friend from Ohio [Mr. BEGG]. The gentleman from Ohio would vote against this good roads bill. Did he not a few weeks ago record his vote in favor of $340,000,000 to help the railroads of this country [applause], and did he not record his vote for hundreds of millions to war contractors in this country, and other billions for the railroads? The farmers of America, the business people of America, and the common people of America want road legislation, and they need it. They want it more than anything else.

The people of this country would rather pay out money for good roads than any other thing we could appropriate money for, except to help the disabled soldiers of the country. I hope every man here will support this bill, because the farmers want it, the Federal highway officials want it, the road officials of all of the States want it, and it is the very best bill, I think, that can be brought out under the circumstances. [Applause.]

ROAD SYSTEMS WOULD BE DESTROYED.

If we should adopt the Townsend plan, what effect would that have on the road system that has already been laid out and partly constructed in the 48 States of the Union? The Townsend plan contemplates just a few interstate roads. The commission at Washington lays out this system of roads. They can and will disregard and ignore, in my judgment, the interstate and intercounty system of roads that have been laid out in each State. These systems in the several States approved by the Federal highway department have been partly built; contracts have been let for other portions of these systems. State constitutions and laws have been changed and made to provide funds to build the entire system with Federal aid. This system of roads will serve every congressional district in the Nation. To cut down this system and to destroy it after we have spent five years and millions of dollars in building it up would be next to a crime. This bill merely amends the present law and proposes to go forward and perfect and construct and provide maintenance for the systems of roads laid out in the 48 States.

TWO PER CENT OR 98 PER CENT.

By actual demonstration it has been shown that less than 2 per cent of the road travel of the country is interstate. The other 98 per cent is intercounty. Our bill has in mind the 98 per cent of travel in the county and within the States themselves as well as the 2 per cent that travels from one State to another. The Townsend plan with its interstate system would take care of the 2 per cent of travel and ignore the other 98 per cent of travel. The Townsend plan would furnish a hard road at least 20 feet wide for the tourists and joy riders from coast to coast, but it would sadly disappoint those who want a system of roads, "farm to market" and "producer to consumer" in character.

JOY RIDERS' ROAD OR FARMERS AND BUSINESS MEN'S ROAD.

Our bill by express terms provides for an interstate and intercounty system of highways that when once constructed will bring a good hard-surfaced road to at least 90 per cent of the people of the United States and within 2 miles of any such road. It is a great thought to me to contemplate such a system. Transportation is one of the great items of cost to the consumer. If we can cover our country with a network of good roads so that products of the country can be brought to the markets quickly and cheaply and so that where products are to be moved not more than 100 miles trucks can deliver the farm products or merchants products from producer to consumer in less time and less expense than it would require even to load these products on the train, it will mean much to the country. Water transportation, railroad transportation, should be joined up with every community of the Nation by means of good roads. Such a system of roads is contemplated by this bill, but would be impossible under the Townsend plan. The people want and must have an interstate and intercounty system and not merely an interstate system of highways. I trust that every friend of good roads will cast his vote for this bill. [Applause.]

Mr. SNYDER. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. DUNN] in opposition to the bill.

Mr. DUNN. Mr. Speaker and gentlemen of the Congress, this bill, reported from the Roads Committee, seeks to perpetuate and continue the roads-bill provisions that were reported January 6, 1916. I want to call your attention to the fact that that bill reported January 6, 1916, was reported from a committee composed of 14 Democrats and 7 Republicans. This bill is reported from a committee composed of 14 Republicans and 7 Democrats. Now, I want to ask an economy Congress what it thinks of some of these provisions.

In the first place, 3 per cent of the original appropriation of $275,000,000 was allowed for administrative expenses, amounting to over $8,000,000. This bill also allows the sum of 3 per cent of future appropriations.

It says that no State shall receive less than one-half of 1 per cent of any appropriation. That makes the bill more unfair—and it never was a square deal—because a few States will receive twice as much as any other State, taking the pro rata on the former bill. It also excepts 14 public-land States, so called, where the Government practically pays for building roads on public lands, which will be for the advantage of the rest of the State.

There is another thing about it as to the maintenance project that I wish to call your attention to. It says:

To maintain the rural post roads constructed under the provisions of this act shall be the duty of the States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this act is not being properly maintained, he shall give notice of such fact to the highway department of such State, and if within 100 days from the receipt of said notice said road has not been put in a proper condition of maintenance by the State highway department, then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State until such road has been put in a condition of proper maintenance, and if within 100 days from the receipt of said notice the said road has not been put in a proper condition of maintenance, then the Secretary of Agriculture, in addition to such refusal to approve any further project for road construction in said State, shall proceed immediately to have such road put in a condition of proper maintenance by letting contract therefor and shall charge the costs thereof against the Federal funds allotted to such State.

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

Mr. DUNN. No; I can not yield now. It further provides that upon reimbursement by the State of the amount expended by the Federal Government that money so returned shall be turned into the Treasury to the credit of miscellaneous receipts. When will that be paid?

Mr. BLACK. Mr. Speaker, will the gentleman yield for a question?

Mr. DUNN. No; I can not. There is another item here that I would ask the legal talent of the House to pass upon. It provides that no payment of any money apportioned under this act shall be made on any project until such statement of the project and plans and specification and estimate therefor shall have been submitted to and approved by the Secretary of Agriculture. Can he pay out money in advance before any construction is begun merely upon the recommendation of a highway commission?

It seems a singular thing to me that this legislative bill should be taken up at this extra session, when we are so busy with other matters, or should be. One hundred and fifty million dollars still remain in the hands of the Secretary of Agriculture, to be met by appropriations of $200,000,000 from the different States. I submit that in these times of financial stringency, if they can use that money within a year or two, $350,000,000 is a goodly sum for this country to spend on good roads. Nothing is said about the maintenance of those roads. Those States have about as much as they can do to maintain the roads they have already built if they will put them in proper shape, and they should not prepare now for as large an appropriation as they can get, to add to the already large sum available in the hands of the Secretary of Agriculture. I sub-

mit this is not a proper time to pass this bill. This bill is a legislative bill which will prevent points of order being made against items for road appropriations that are hereafter asked for in this House. I have been against it from the start. I never thought the Shackleford bill was a square deal, and I do not think it is now. I submit these ideas for your consideration, and I ask you to give thought to them.

Mr. DOWELL. Mr. Speaker, will the gentleman yield? The gentleman says it is not fair. I wish he would tell in what respect.

Mr. DUNN. I have not the time. If the gentleman would give me more time I would do it.

Mr. WOODRUFF. I submit that the gentleman has not used up his eight minutes and he has some time left.

Mr. DOWELL. In what respect is this apportionment unfair?

Mr. DUNN. The Middle States and the Eastern States pay from two to four times as much as other States who get their allotments. The bill should be a 50-50 proposition, or the amount should be prorated according to assessed valuation instead of according to the area.

Mr. DOWELL. The gentleman's objection is that his own State pays more than it should pay?

Mr. DUNN. I object to it on behalf of the Middle and the Eastern States. I yield back the remainder of my time.

The SPEAKER pro tempore. The gentleman has used seven minutes.

Mr. SNYDER. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, on first blush I thought that this was a pretty good bill, but after reading it again and again I have become convinced that it is one of the most vicious pieces of legislation that has been presented to this House since I have been a Member, and I want to warn those Members of this House who expect to go along and vote for this bill to revert back to the constitution and the laws of their States before they make up their minds they are going to vote for this bill. I am not going to vote for this bill for various reasons, but one of the principal reasons is that I am not going to vote for any bill that will change the policy of my State that has been going on in these matters under the present law, and many other constitutions of different States of the Union provide also that the legislature of the State shall not vote money for internal improvements. My State provides that. Now, the State highway commission of my State deals with the counties of that State, and before my State can participate in Federal aid under this bill the Congress of the United States is going to coerce that State into amending its constitution and reverse its whole policy with regard to those matters. I am getting sick and tired of the Federal Government everlastingly sticking its hands into the affairs of my State and I am against any more building up of bureaus and of bureaucracy in Washington to reach out into the different States and tell the people of those States what they shall and what they shall not do. [Applause.] One of the greatest issues in this country is coming within the next few years, and it is going to be as to whether or not the individual citizens of the several States of this land are capable in some way of managing at least a small portion of their own business [applause] instead of having to run to Washington every time they want to know whether we can or whether we can not do a thing.

Mr. BLACK. Will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. BLACK. If I understand this section 2, it means if our people should decline to amend our constitution so as to turn over to the legislature the power to appropriate this money, why after that we can never participate?

Mr. RAYBURN. That is entirely true. Not one dollar we pay into the Treasury can be apportioned to the State of Texas unless we amend our constitution. I am opposed to this. I never expect to vote while I am here to create another commission or bureau in Washington to stick its hands into the people's business. I am tired of it, and my people are tired of it. I am talking about the idiotic policy that is carried out here in Washington all the time and carried out in this and similar bills. I do not think this bill will receive the two-thirds vote of the membership of this House if the Members understand it.

The State of Texas has been getting on splendidly with the law as it is now written. During the last two and one-half years the counties of Texas have voted $100,000,000 for roads. The Federal aid has amounted to $16,000,000. This amount has been definitely allotted by our highway commission to different counties of the State. What we need to do here is not to pass more law but to have more money appropriated under the law as it is now written.

I understand there are 17 States that have the county system of road construction as we have in Texas. For one I shall not agree that before my State participates in this fund it shall be compelled to amend its constitution.

The SPEAKER pro tempore. The time of the gentleman has expired. The gentleman from Kentucky [Mr. ROBSION] has 10 minutes remaining.

Mr. DOUGHTON. Mr. Speaker, I yield time to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN of Georgia. Mr. Speaker, I was raised on the farm and have spent most of my life in rural communities. I, therefore, know the disadvantages of poor roads.

Before Congress enacted any law authorizing Federal aid for the construction of public highways I became a candidate for Congress upon a platform declaring that I favored liberal appropriations for such purpose. Upon entering Congress I obtained membership on the Roads Committee, where I have since remained, and advocated better road facilities and liberal appropriations, which in a measure have at last been realized.

There are those who oppose appropriation for such purpose and contend that it makes an unequal distribution of burden upon the States. They illustrate by saying that New York, in proportion to population, pays something like twenty times as much for the support of the Federal Government as do some other States, and that, therefore, it is not just to force the State of New York to contribute for national construction of roads. The reasoning does not appeal to me. It is the same old argument to which the man of wealth has always resorted when called upon to make a larger public contribution than was required of his neighbor. Upon this theory such men have opposed the public-school systems and other public improvements of which they were not the chief beneficiaries. It is neither sound in reasoning nor just in principle.

I think it is a well-recognized fact that the cost of transportation is a part of the cost of production. The gentleman from Ohio [Mr. BEGG] who waxed so eloquent upon contributions made by New York and Ohio, might do well to remember that the States of Georgia, Montana, and others have contributed millions of dollars for river and harbor improvements in New York and Ohio. Why? Because they recognized it as being necessary and as a part of the transportation system of the country, beneficial to the farmers in every section of the United States.

There are animals down in Georgia that feed on acorns; they never look up to see from where the acorns fall. The logic of some men reminds me of those animals. They seem never to know from where their acorns fall. [Applause.]

The Federal Government has contributed billions of dollars for harbor improvements in New York and other cities of that section. A large portion of the funds contributed by the Government were collected from citizens of distant States who never saw New York. We might with equal plausibility say that, as a taxing proposition, it was unfair to tax the citizens of other States for harbor improvements in New York, but I do not so contend, nor do I believe such to be the case. New York is the gateway through which imports pass for distribution among consumers in other States. It is through this city that a large portion of the articles grown on the farms of the various States and manufactured in the great industrial centers of the country pass for export. Therefore the citizens of all the States are vitally interested in providing adequate facilities at New York for the proper handling and transportation of such commodities. Upon this principle they have paid tribute to the Federal Government to be used in improvements at New York for more than a hundred years; they have done so willingly and upon a sound principle of business policy. If it is necessary for the great harbors of the country to be improved at public expense and great merchant marines to be constructed at public cost to aid those engaged in transportation, is it not equally proper for the roads that run from farm to market and to the various points of transportation to be improved at public cost? Yet when we ask for a small pittance to be spent upon the highways of the country to insure adequate transportation facilities to the farmer, we are met with opposition from those we have served for more than a hundred years.

I am glad, Mr. Speaker, that it is my privilege to champion the cause of the man in the rural community and to be instrumental in giving him a good road to his farm, his market, his school, and his church. The farmers are entitled to good roads, and no matter from where the necessary funds may be gathered

I shall feel that he has already paid his part in some other enterprise. [Applause.]

No legislation has been enacted by Congress in recent years of a more constructive character or of more practical benefit to the masses than the present Federal-aid road system. It has met with such general approval that it is now regarded as a permanent policy of the Government. The comprehending business man of the city quickly realized its advantage and is no less a friend to the system than the man who resides on the highway improved. The question is not, shall we retain the system, but it is what can we do to improve it and how far shall we extend it?

The system has been in operation less than five years and suffered the handicap of nearly two years of war. Let us see what has been done. We began with $75,000,000, to be apportioned among the several States, and to be expended within a period of five years, as follows:

| | |
|---|---|
| First year | $5,000,000 |
| Second year | 10,000,000 |
| Third year | 15,000,000 |
| Fourth year | 20,000,000 |
| Fifth year | 25,000,000 |

The system was regarded with so much favor that in February, 1919, we appropriated an additional $200,000,000 and thus made available for the next year $95,000,000, and for the fiscal year of 1921, $100,000,000. During this short period, with all the hindrances of war and panic, Federal aid has been extended to all the States and operation has in every case proven satisfactory and successful. With few exceptions, each of the 48 States have established State highway departments, and have inaugurated splendid systems for highway construction and improvements, which they regard among the most important divisions of State government.

During the period of Federal aid there has been completed under such construction 5,681 miles of road at a total cost of $84,342,878, of which amount $38,260,296 was Federal aid. There are 17,529 miles now under construction, which will cost $301,843,252. Of this amount $127,593,306 will be Federal aid. Fifty per cent of this work is complete, and hence we have an equivalent of 14,445 miles now completed.

A recent report made by the highway department of Georgia to the governor of that State discloses that by December next the board expects to have completed:

Two hundred and ninety miles of paving, at a cost of $8,000,000.
Eight hundred and ninety miles of top soil and sand clay roads, at a cost of $7,000,000.
Fifty or more permanent steel and concrete bridges, at a cost of $2,500,000.
Representing a total of $18,000,000.

The paving betterments if placed end to end would comprise a continuous highway from the Tennessee nearly to the Florida line, and the sand clay improvement would give three continuous highways across the State from east to west. The investment in bridges includes no less than 10 major structures from 1,000 to 2,300 feet long across the large streams of middle and south Georgia. This completed work will be taken under permanent maintenance.

Under construction all contracts are supervised by a resident engineer in charge and are repeatedly visited and inspected by the district engineer and also by general inspectors and Federal engineers.

It is pleasant to have participated in the formation of legislation so beneficial to the masses, but I regret that, in spite of such good results, sinister influences are at work to destroy the system. The latest effort finds expression in the Townsend bill, recently reported by the Senate Committee on Post Offices and Post Roads.

I wonder if Members realize the efforts that are being made to deprive the States of self-government. The Townsend bill seeks to destroy the present system of Federal aid and to substitute another which may be properly termed a system of State aid to the Federal Government.

The proposed system denies to the States the right to select, designate, and establish roads upon which Federal-aid funds may be used. It denies to the States Federal aid in the construction of all intrastate and intercounty highways, and only permits the use of such funds upon interstate highways. It proposes to establish a system of interstate roads, forming a part of a transcontinental system, supposed to meet the military needs of the Nation, but which in fact will only serve to create great national boulevards over which the idle rich and roaving sightseers may glide. It proposes to give absolute authority of designation, selection, and establishment of roads to three commissioners located in Washington, each on a salary of $10,000 per annum. These men, with little or no knowledge of local conditions, and perhaps caring less, are to be empowered to say what roads shall or shall not be constructed in Georgia and other States. Why should the Government be given the supreme authority? The Government may cooperate in construction on a basis of not more than 50 per cent, but it can never be charged with maintenance, and hence can not be equally interested. The present law provides for cooperation upon a basis of not more than 50 per cent, but under the more than four years of Federal aid the Government has contributed less than 43 per cent of the total cost of construction and nothing for maintenance. It has never been an equal partner in road construction, and it can never be, either under the present or the proposed system.

The proposed system not only prohibits Federal aid in the construction of such highways but provides that Navy and military officers may be detailed by the President for duty in the construction of such highways. I do not understand how a naval officer would be specially qualified for such enterprise. I imagine he would be as much out of place as would a sea turtle on a mountain top. Probably half of the nearly 18,000 Army officers now on the Government pay roll could be thus detailed without serious impairment of the military service or the safety of the Republic, but I am not sure such officers would find the private in the civilian labor brigade as submissive to commands as are those whom they now command, nor am I sure that such an experiment would prove beneficial to the country. I am unwilling, by my vote, to say that the roads from farm to market—forming a great system of intercounty and interstate highways—shall not be improved by Federal aid, and I will never willingly surrender such right of the common people. [Applause.]

Mr. SANDLIN. Mr. Speaker, it would require the possession of some temerity on the part of one to speak in favor of this measure if the remarks of the distinguished gentleman from Ohio [Mr. BEGG] were treated seriously by me, coming, as I do, from one of those States which would have its roads built, as the gentleman would have us believe, by the taxpayers of Ohio.

I sincerely regret, Mr. Speaker and Members of the House, that the gentleman would discuss the measure now before us as a class or sectional proposition. I am glad that I have the opportunity of serving in a body in which the farmers have so many friends. I have heard many expressions of friendship for the toilers of this Nation during my brief service in this body, and I only wish that the votes recorded here were always in accord with those expressions.

I would be in favor of this bill were it a benefit only to the agricultural class of this country, but the building of good roads is in no sense a class or sectional issue. There is, in my humble judgment, no legislation it is possible to enact which will be of more far-reaching and enduring value to the whole people of this country than that which we are now considering—the continuing of aid by the Federal Government to the States in building good roads.

This bill makes no special concessions to the people of the rural districts, but is for the benefit of all classes. To the extent that the Government can afford to give, there is no place where we can invest the taxes of the people, wherever they may reside or whatever their occupation in life may be, to greater advantage than on the public highways.

The Federal Government is committed to the policy of appropriations for building public roads. The only question now to decide is whether the law we are now operating under, with a few amendments, shall be followed or whether another system shall be adopted. This Congress will have to decide whether the Secretary of Agriculture, through the Bureau of Public Roads, will continue the work that is generally so admirably handled or if it shall be taken from the departments and put into the hands of a commission composed of three members appointed by the President, and at a salary of $10,000 a year each.

The Townsend bill provides for three commissioners instead of the director of roads, and the commissioners are required primarily to establish a system of interstate highways. Under the present law the roads are projected by the local authorities in each State and the money spent under their supervision.

Do you want the location of roads in your States selected by commissioners here in Washington or do you want your State highway officials to have that right?

Do you want no roads to receive Federal aid except transcontinental and interstate roads or do you want your intercounty roads to receive a portion of this aid? Under the bill the funds derived from the Government would be expended on roads, both interstate and intercounty, selected by your State authorities. Under the Townsend bill all the money will be used on transcontinental highways, these highways being selected by commissioners here in Washington.

I am strongly and unalterably opposed to the building of great transcontinental highways at the expense of the producers and consumers of this Nation.

If you want to do something of real and lasting benefit to these people, build your farm-to-market roads first, because farm-to-market roads enlarge the area of cultivation and feed the long-distance traffic of the railways, whereas transcontinental traffic by highway is useful only to an inconsiderable part of the citizenship.

Mr. William Edens, president of the Illinois Highway Improvement Association, said that 2 per cent is interstate and that 98 per cent represents the everyday use of the roads by local people. He is opposed to the Townsend plan, though he says he loves CHARLEY TOWNSEND. I am firmly of the opinion that we should not accede to those who are clamoring for transcontinental routes, because that does not solve the economic problem. Rather should we do everything possible to enable the farmers to get their produce to the market at the least possible cost, thereby benefiting them and at the same time the consumers of the country.

It was well stated by Mr. Silver, representative of the American Farm Bureau Federation, when he said:

> We have no use for railroads, river and harbor improvements, wharf facilities, or a merchant marine until the products have been transported from the farms to the markets. If we do not get over that first link, or if we have to get over it at too great a cost, it is something that we can not pick up again. It is something that must be passed on in some way or other to the other end.

It might be said here that this bill has the unqualified indorsement of the American Association of State Highway Officials and the American Farm Bureau Association.

The Federal aid to good roads has done much to encourage road building in the States; but some Members of this House talk as if the Government were building all the roads. This is not true at all. A comparatively small per cent of the money expended for this purpose comes from that source.

The people of the several States are taxing themselves until it hurts for this purpose. In my own State, Louisiana, there has been written into the new State constitution just adopted provisions which will result in the raising of $5,000,000 annually for roads. In addition the parishes of the State are voting bond issues in large amounts. In some of the parishes the amounts raised under bond issues are much greater than that received from the Federal Government in one year for the whole State.

There is no public demand for substituting the Townsend national highway bill system for the present post-road and farm-to-market system in vogue under the present law in the various States.

It is true that certain automobile associations in large cities are advocating and urging the passage of the Townsend national highway bill, but your attention is invited to the fact that 90 per cent of the commerce of this country, in the raw and manufactured state, moves over the dirt roads and public highways of the country.

Operating under this law, Federal aid to States in constructing post roads and farm-to-market roads will serve the needs of many millions more of the American people than would the Townsend bill; therefore this bill should become a law.

Permit me to say that the present law under which Federal aid has been advanced has proved a great incentive to road building. In each State road building has gone forward rapidly during the last five years. This plan has been indorsed by the great majority of the witnesses appearing before the Committee on Roads.

The State highway commissions, in the main, are satisfied with the present plan of Federal aid for road building. State organizations have been formed under statutory enactments in the various States and are working in concert with the Federal Government under the present road law, and I appeal to the Members of this House who have at heart the interests of the tillers of the soil and the consumers in our great cities to vote for this measure.

I am glad, Mr. Speaker and gentlemen, that of the entire membership of this House there are only a few who have a narrow view of this question. The broad-minded business man from the East and those who represent the great cities of this country realize that by aiding in legislation which will benefit the farmers of the country they will be doing that which will greatly benefit their own constituencies, for the consumers in the cities must depend on these splendid farmers for food on which to subsist, and the great manufacturers must sell their products to the farmers of the South and West, and just in proportion as the farmers are prosperous will they also prosper.

Mr. Speaker, in conclusion, permit me to say that one must be shortsighted, indeed, and have a narrow vision not to realize that the cities can not prosper and grow unless the producers of this country are prosperous. I am glad that this Congress has so few within its membership who do not realize this fact.

Mr. DOUGHTON. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. CABLE].

Mr. CABLE. Mr. Speaker, as the only Ohio member of the Committee on Roads, I rise in support of the bill and in opposition to the gentleman from Ohio [Mr. BEGG], who has just spoken in opposition to it.

If we do not pass this bill it means the defeat of further Federal aid in the construction of public highways, because the administration has made it clear that the present law must be amended by a provision requiring the States to see that Federal aid roads are properly maintained, and with that in view this bill carries a provision that each State must provide a State fund adequate for maintenance of Federal aid roads; and that such roads hereafter constructed through Federal aid shall be properly maintained.

In Ohio we have a law based on the same principle as is found here. People are encouraged, by reason of State aid, to construct roads that otherwise would remain unimproved. I venture to state that if roads are now or have been constructed in the district of the gentleman from Ohio that the State's aid partly comes from taxation paid by people who reside out of the county and district in which the improvement is being made.

Mr. BEGG. Will the gentleman yield for a question?

Mr. CABLE. I can not yield.

If the principle of the law works well in Ohio, it should work just as well throughout the United States. The President has signified that taxes collected from the people by the Federal Government shall not be used for the construction of roads by Federal aid unless the construction is safeguarded by a good and proper maintenance law. To use the taxpayers' money to construct a good road and then stand by while it is torn down is waste.

The American Association of State Highway Officials, the State highway departments of practically every State in the Union, and many other road and farm associations have indorsed this bill, and if you fail to pass it, it will mean the abolishment of Federal aid and stop construction of roads that otherwise, without this aid, would not be built. I therefore ask you to support the measure. [Applause.]

Mr. DOUGHTON. Mr. Speaker, the bill now under consideration provides that the Federal Government shall continue its policy adopted in 1916 of assisting the States in the construction of a system of modern highways.

The bill makes certain amendments to the present law and certain additions that are intended to more clearly define the policy of the Federal Government and remove what difficulties experience has shown exist in the present law that militate against its administration. It is intended to conserve and safeguard the public funds and at the same time secure the best possible results to the largest number of people, especially those living in the rural communities.

The paramount feature of this bill, as well as the law under which we are now operating, is cooperation. Each and every State is required to establish a highway department—one that is satisfactory and acceptable to the Secretary of Agriculture. It provides that the Federal Government will deal only with States in the administration of the law. Provision is made to give three years for any State whose constitution or laws may have to be changed so as to give them time to make the necessary change to comply with the provisions of this act.

It also extends the provisions requiring the States to provide funds for maintenance, and penalizes those States which neglect or fail to keep in proper condition the roads that are aided in construction by the Federal Government. Provision is also made for highway research and investigation.

Each State is required to provide a definite plan or system of roads, interstate and intercounty in character, keeping in mind the needs of the Government in transporting mails, the marketing of farm products, transportation of merchandise, and the needs of the social life of the communities. In fact, a well-balanced system of roads that can be relied upon at all seasons, and be maintained so they can be traveled satisfactorily 365 days in the year.

The Secretary of Agriculture is also authorized to collect and disseminate useful information as to the construction and maintenance of highways, and as far as possible insure safety to those who use the roads.

This measure has the indorsement of the Secretary of Agriculture, the Chief of the Bureau of Public Roads, who is recognized as being perhaps the highest authority on road building in the United States. Also the American Association of State Highway Officials, having a membership in practically all of the States in the Union, has heartily indorsed this bill. The United States Good Roads Association, with a membership in about all the States, and with 30 governors as vice presidents, met in Greensboro, N. C., April 18–23, 1921, and passed the following resolution:

Whereas the Federal and State cooperative road plan has resulted in the construction and improvement of thousands of miles of post roads and public highways, which directly benefit many thousands of American people; and

Whereas this plan has been indorsed by business men's leagues, chambers of commerce, farmers' unions, and other bodies interested in good roads; and

Whereas there is no public policy that will bless and benefit more people than that which is now being carried out in the construction of public roads in the various States of the Union: Therefore be it

*Resolved*, That we heartily indorse the Federal and State cooperative plan of road building now in practice, and we urge upon Congress the importance and necessity of continuing this work and avoiding a national calamity: to prevent this calamity we urge the Congress to appropriate $100,000,000 a year for a period of five years.

—

Whereas during the World War the Government of the United States extended loans to the allied nations in the sum of about $10,000,000,000; and

Whereas much is being said about the payment of this debt and disposition to be made of such moneys when paid; and

Whereas the construction and improvement of post roads and public highways in the United States would directly benefit more people than were this money used in any other way: Therefore be it

*Resolved*, That Congress is hereby requested to provide that said money, when collected from the allied nations, shall constitute the road fund and shall be used as Congress shall direct in building and improving post roads and public highways in the United States.

Also the American Farm Bureau Federation, which has organizations all over the United States, had a meeting in Washington, April 8 last, and passed the following resolution:

We earnestly approve the local building of "farm-to-market" highways by the use of Federal and State local funds. Until such roads are built we emphatically oppose the construction by the Federal Government of a few hard-surface transcontinental roads. Regardless of the character of roads which are built, an adequate amount of such funds should be provided for their maintenance and repair. We urge that the administration of Federal roads be in the hands of the United States Department of Agriculture.

Also many other road organizations and societies and farm associations have heartily indorsed the measure now under consideration.

This bill also provides for the limiting of the Federal funds to a system of roads designated by the State highway department of each State, but the Secretary of Agriculture shall have authority to approve, in whole or in part, the system designated or require any changes or modifications that the Secretary deems necessary.

The roads to be aided by the provisions of this act are divided into two classes; one the primary or interstate roads, which shall not exceed three-sevenths of the total mileage to be improved or to receive Federal aid, and the other, the secondary or intercounty, shall consist of the remainder that may receive Federal aid. Not less than 60 per cent of all the Federal money allotted to the States must be expended on the interstate or primary roads. The Secretary of Agriculture, in approving projects, is directed to give preference to those which will expedite the completion of an adequate and connected system of roads interstate in character.

I desire to call the attention of the House to another bill dealing with the subject of roads now pending in the Senate, known as the Townsend bill, some of the provisions of which are radically different from the provisions of the bill under consideration. Should the principles contained in the Townsend bill receive the sanction of Congress, in my opinion a very damaging blow would be struck to our entire road-building program.

The Townsend bill provides for a Federal commission, and gives it full authority to lay out and locate an interstate system of roads entirely. In other words, the Townsend bill means that the Federal funds will all be expended upon a system of interstate and transcontinental roads that will not meet the needs of agriculture and the business and commercial needs of the community, but will be used mainly by tourists, pleasure seekers, and joy riders. Many of the States, in my opinion, would refuse to cooperate and expend their funds under the provisions of an act of this kind.

It seems inconceivable that there can be advocates of a scheme to deprive the State highway departments of any voice in the location of roads in their own States in view of the fact that the officials of such departments are much more thoroughly familiar with local needs and local conditions than can possibly be a commission sitting in Washington. Any attempt of this kind, in my opinion, would result in the failure of the whole Federal-aid principle, because a commission in Washington, endeavoring to decide myriads of local controversies as to individual routes, would find itself engaged in solving neighborhood quarrels, and be unable to give the proper attention to the real purpose for which it was created—the building of roads.

Some days ago in the hearings conducted on the Townsend bill in the Senate, Gen. Pershing was called upon by the proponents of that measure. It was expected, of course, that he would give his indorsement and bestow his blessing upon the transcontinental, coast-to-coast system, a system that would place the road-building program entirely in the hands of the Federal Government, but much to the chagrin and astonishment of the friends of that measure, Gen. Pershing stated in substance that the first important need in road building was a system of roads that would enable the products of the farm to reach the market at the least expense and in the shorest time.

Agriculture being one of the chief basic industries of the country, and agriculture and roads being so closely related, there is no doubt in my mind that the administration of this law should be left to the Department of Agriculture. Why should we disturb a system that has produced such wonderful results and that is working so satisfactorily? What is more important to all the people of the United States than to have a successful, contented agricultural population? The hope of the future is wrapped up in the boys and girls, and they can not be kept on the farms in sufficient numbers under present conditions. Bad roads is perhaps the greatest handicap at this time with which the farmer has to contend. We hear much of "back to the farm" or "back to the country" movement. But that cry is futile and vain unless the ills that are driving the people from the country to the towns and cities are cured, and when that is done our boys and girls will remain on the farms. Once they leave and fall under the enchantments of city or town life it is almost impossible to ever get them to return to the country and become contented citizens again.

The States of the Union have practically all enacted laws to conform to the present plan of cooperation, and why have this plan upset and a commission created at heavy expense and begin the work all over again?

The work is now progressing according to a systematic program that in the end will connect into a complete system of roads throughout the country, the main highway of one State connecting with the main highway of another State. In this way we will have a system of interstate and intercounty roads that will meet the commercial, business, and social needs of the entire country. It is not commissions that are needed, but adequate enlargement of the present Bureau of Roads, fully equipped, with an appropriation sufficient to meet the pressing present and future needs, and the command of Congress should be to halt not but continue to go forward without delay until the program now under way is fully consummated.

Since the present Federal road law was enacted in 1916 there has been appropriated by the Congress of the United States, all told, $275,000,000, and of this amount $266,750,000 has been paid or apportioned to the States, and the residue, or 3 per cent, has been used for administrative purposes. The expenditure of this money has produced better results and brought more blessings and benefits and met with more general favor than any legislation that has been enacted since I have been a Member of this body. The moral effect has been even more helpful than the money appropriated, as it encouraged the States to take up the work in a progressive way, to create highway commissions, and set up administrative machinery for the successful construction of roads that would have been impossible without the great impetus which was given this movement by Federal aid and assistance.

In the State of North Carolina, which I have the honor in part to represent, when this law was enacted, we had no highway commission and our people felt that the load was too heavy for them to undertake to carry, but inspired and encouraged by the aid of the Federal Government we have established a highway commission, consisting of a chairman, who is one of the ablest business men in North Carolina, and nine associate commissioners, each and every one of whom is a man of high order of business ability. The State is divided into nine districts, with a commissioner to look after the interest of each district, so that no section of the State will be neglected and the money will be expended equitably and economically.

The road-building sentiment in our State has gained momentum to such an extent that the last general assembly was authorized and directed to sell bonds to the amount of $50,000,000 for road construction, in addition to what Federal funds may

be procured. Provisions were also made for the maintenance of our system of roads, which guarantees that every mile of road that is constructed will be kept in condition to be utilized every day in the year. The spirit of road building and the determination to be done with muddy roads is so strong in North Carolina that it will never be stopped until we have a modern system of highways penetrating every section of the State and making proper connection with adjoining States and that will meet the needs of all our people. [Applause.]

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

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

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. ALMON. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that all those who speak on this bill may have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that all those who speak on this bill may have the privilege of revising and extending their remarks. Is there objection?

Mr. BLANTON. Reserving the right to object, will not the gentleman include in his request any who desire to be heard, because there has been only 40 minutes' debate?

Mr. DOUGHTON. Yes; I will include that.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that all Members who desire may have five legislative days in which to print their remarks, and that all those who speak on the bill may have the privilege of revising as well as extending their remarks. Is there objection?

Mr. FESS. Reserving the right to object, is it to be confined to their own remarks?

Mr. DOUGHTON. Yes; to be confined to their own remarks.

Mr. CHINDBLOM. Mr. Speaker, further reserving the right to object, why include the words "revising their remarks"? I do not understand there is a right for a man to revise his remarks and insert a new speech.

The SPEAKER pro tempore. It is simply to revise the remarks as well as extend them. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. ROBSION] has five minutes remaining.

Mr. ROBSION. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. WOODRUFF].

The SPEAKER pro tempore. The gentleman from Michigan is recognized for three minutes.

Mr. WOODRUFF. Mr. Speaker, I was much interested in the remarks make by my friend from Ohio [Mr. BEGG]. I was interested particularly in the figures he quoted, showing how Ohio was paying, through the Federal taxes collected in that State, many more dollars for roads throughout the country than other States which are receiving Federal aid. It was interesting to me to note that the State of Michigan, from which I come, is in precisely the same predicament. We all know that the matter of obtaining taxes applies to States in the same way as it applies to individuals. The man who is lucky and has much of the world's goods, the man who is wealthy, is the man who pays large taxes. The man who pays little has little wealth. If Ohio and Michigan and other more fortunate States are paying much of the taxes of the United States to-day it is because much of the wealth is concentrated there. It is largely concentrated in the great industrial cities, where the men who toil in the mills and factories are as vitally interested in the economic solution of the problem of hauling farm produce to market at the least possible cost as are the farmers themselves, and I maintain that the people living in the wealthier cities should bear their fair share of this cost of improving the farm-to-market roads of the country. And be it to the everlasting credit of the people living in my district that not once has any man, be he rich or poor, ever protested to me against the appropriation of Federal funds for this purpose.

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

Mr. WOODRUFF. Yes.

Mr. REAVIS. Ohio, on account of its wealth, is paying more than Wyoming for the maintenance of the Federal courts. Should we abolish the courts for that reason?

Mr. WOODRUFF. Certainly not. It would be just as reasonable for my friend from Ohio to demand part of the Navy be put on the Great Lakes because the State of Ohio is located on those Lakes and pays a large part of the taxes which support the Navy, or that a part of the Government buildings and departments be moved into his State because Ohio pays more taxes than the District of Columbia. [Applause.] The position is untenable.

I was glad to hear the gentleman say he is interested in farm-to-market roads. I am interested in that also. I have always been in favor of legislation that would assist in the construction of roads of this character. When I was a member of the original Roads Committee of this House in my former service here, I was in favor of seeing every farm road in the country improved by Federal aid. I am still in favor of such legislation, and while this bill does not provide that this shall be done in the immediate future, it does provide that a certain amount of work shall be done on the farm-to-market roads and that eventually every such road can be improved with the assistance of Federal aid. This bill preserves the principle involved in my theories concerning Federal aid in the construction of roads, and I am heartily in favor of the bill. It also perfects the legislation now upon the statute books, under which such wonderful progress has been made in the construction of the roads of the country during the past three years.

I do not see why one man who has been fortunate enough in years past to have bought a farm along some road, which may afterwards be arbitrarily declared to be a Federal-aid road by some individual or commission, should have preference over some man who has not been so fortunate. The thing I want to see in this country is the improvement of roads to such an extent, and with Federal aid, if you please, that every farmer, I do not care who he is, how far he lives from his nearest market, or be he rich or poor, shall be able to haul his produce to market over the best possible roads at the least possible cost, and that is the only economic principle involved in this question before us to-day. [Applause.]

There is only one thing that can justify the expenditure of Federal moneys in improvements in the various States, and that is the solution of an economic problem. The economic problem involved in the extension of Federal aid in the construction of roads in the various States is that of enabling the farmer to reduce his cost of hauling farm produce to market from 33 cents per ton-mile, the cost of hauling this produce over unimproved roads, to 16 cents per ton-mile, the cost of hauling the same product to market over improved roads. It is estimated 1,000,000,000 of tons of farm produce and merchandise are hauled over the farm roads of the country each year. The average haul over these roads is a fraction more than 10 miles, and if the roads of this country can be improved to such an extent that every farmer, no matter where he may live, may haul his produce to market over good roads, there is an economic saving to the Nation of $1,700,000,000 per year. This, to my mind, is the thing that justifies the expenditure of Federal moneys in the construction of farm-to-market roads.

It is a fact that intercity and interstate motor-truck transportation of merchandise is growing larger and larger each year, hastened, of course, by the exorbitant freight rates charged by the railroads, and this situation should be given consideration. It is not, nor can it ever become, of primary importance, for the reason that more tonnage is hauled over our country roads than will ever be hauled over our steam roads, over our waterways, or by truck from city to city and from State to State combined. So I maintain that legislation which provides for expenditure of Federal money upon intercity and interstate highways to the exclusion of farm-to-market roads is an economic mistake and not justified by existing conditions.

During the hearings just completed by our House Roads Committee we have heard representatives of the highway departments of all the States. We have also heard representatives of good roads organizations, automobile associations, and so forth. Not one word of criticism was offered as to the present handling of this great question by any of the witnesses. In fact everything which was said was a tribute to the efficiency and the complete understanding with which the Bureau of Roads in the Department of Agriculture has functioned with the various State highway departments.

This bill provides that after the program of 7 per cent of the highways of the States, plans of which have been submitted to the Secretary of Agriculture by the various States have been approved, the Secretary can and shall continue to approve further plans for the further improvement of the farm-to-market roads. The law contemplates the carrying on of this work until such time as every farmer has been treated alike in the matter of improving the roads.

Could I have had my way about it I should have written upon the statute books a law which would have improved the

farm-to-market roads first. As these were extended, they would automatically have taken care of our intercity and interstate roads. Because, as I said before, the problem of hauling farm produce to market at the least possible cost is a question in which every man, woman, and child of this great country is interested. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired. The question is on agreeing to the motion to suspend the rules and pass the bill.

The question was taken.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. If it is in order, I desire to make a motion to recommit.

The SPEAKER. That is not in order. In the opinion of the Chair, two-thirds having voted in the affirmative——

Mr. RAYBURN. Mr. Speaker, I call for the yeas and nays.

Mr. DUNN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from New York and the gentleman from Texas ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on agreeing to the motion to suspend the rules and pass the bill.

The question was taken; and there were—yeas 266, nays 77, not voting 88, as follows:

YEAS—266.

| | | | |
|---|---|---|---|
| Almon | Fairfield | Lampert | Reed, W. Va. |
| Anderson | Faust | Langley | Rhodes |
| Andrews | Favrot | Lankford | Ricketts |
| Arentz | Fess | Larsen, Ga. | Riddick |
| Aswell | Fields | Larson, Minn. | Roach |
| Atkeson | Flood | Lawrence | Robertson |
| Barbour | Focht | Lazaro | Robsion |
| Barkley | Fordney | Lea, Calif. | Rose |
| Beck | Foster | Leatherwood | Rosenbloom |
| Beedy | Frear | Lee, Ga. | Rouse |
| Bell | French | Lineberger | Sabath |
| Benham | Fulmer | Linthicum | Sanders, Ind. |
| Bird | Funk | Little | Sandlin |
| Bixler | Garrett, Tenn. | Logan | Schall |
| Blakeney | Gensman | London | Scott, Mich. |
| Bland, Ind. | Gernerd | Lowrey | Scott, Tenn. |
| Bland, Va. | Gilbert | Lyon | Shaw |
| Boies | Goldsborough | McClintic | Shelton |
| Bowling | Goodykoontz | McCormick | Sinclair |
| Brand | Gorman | McDuffie | Sinnott |
| Brinson | Graham, Ill. | McKenzie | Slemp |
| Britten | Green, Iowa | McLaughlin, Mich. | Smith |
| Brooks, Ill. | Greene, Mass. | McLaughlin, Nebr. | Smithwick |
| Brown, Tenn. | Greene, Vt. | McLaughlin, Pa. | Speaks |
| Bulwinkle | Hadley | McPherson | Sproul |
| Burke | Hammer | McSwain | Stafford |
| Burtness | Hardy, Colo. | Madden | Steagall |
| Burton | Harrison | Maloney | Stedman |
| Byrnes, S. C. | Hawes | Mapes | Stephens |
| Byrns, Tenn. | Hawley | Martin | Stoll |
| Cable | Hayden | Mead | Strong, Kans. |
| Campbell, Kans. | Hays | Michaelson | Sullivan |
| Cantrill | Hersey | Michener | Summers, Wash. |
| Carter | Hickey | Miller | Swank |
| Chambers | Hill | Millspaugh | Sweet |
| Chandler, Okla. | Himes | Mondell | Swing |
| Chindblom | Hoch | Montague | Taylor, Tenn. |
| Christopherson | Hogan | Montoya | Ten Eyck |
| Clague | Huddleston | Moore, Ohio | Thomas |
| Classon | Hukriede | Morgan | Thompson |
| Clouse | Hull | Mudd | Tillman |
| Cole | Ireland | Murphy | Timberlake |
| Collier | Jacoway | Nelson, J. M. | Tincher |
| Colton | James, Va. | Newton, Minn. | Towner |
| Connell | Jefferis, Nebr. | Newton, Mo. | Tyson |
| Cooper, Ohio | Jeffers, Ala. | Nolan | Upshaw |
| Cooper, Wis. | Johnson, Ky. | Norton | Vinson |
| Copley | Johnson, Miss. | O'Brien | Voigt |
| Cramton | Johnson, Wash. | O'Connor | Volstead |
| Crisp | Kearns | Ogden | Ward, N. C. |
| Cullen | Keller | Oldfield | Watson |
| Curry | Kelley, Mich. | Oliver | Weaver |
| Darrow | Kelly, Pa. | Overstreet | Webster |
| Davis, Tenn. | Kendall | Padgett | Wheeler |
| Deal | Ketcham | Park, Ga. | White, Kans. |
| Denison | Kiess | Patterson, Mo. | Williams |
| Dickinson | Kincheloe | Pou | Williamson |
| Dominick | Kindred | Pringey | Wilson |
| Doughton | King | Quin | Wood, Ind. |
| Dowell | Kinkaid | Rainey, Ala. | Woodruff |
| Drane | Kleczka | Raker | Woods, Va. |
| Drewry | Kline, Pa. | Ramseyer | Woodyard |
| Dupré | Knight | Rankin | Wright |
| Echols | Knutson | Ransley | Yates |
| Elliott | Kopp | Reavis | Young |
| Ellis | Kraus | Reber | |
| Elston | Kunz | Reece | |

NAYS—77.

| | | | |
|---|---|---|---|
| Ackerman | Burdick | Fairchild | Hicks |
| Ansorge | Butler | Fenn | Houghton |
| Appleby | Carew | Freeman | Hudspeth |
| Bacharach | Chandler, N. Y. | Frothingham | Humphreys |
| Begg | Clarke, N. Y. | Gallivan | James, Mich. |
| Black | Cockran | Garner | Jones, Pa. |
| Blanton | Connally, Tex. | Garrett, Tex. | Jones, Tex. |
| Box | Connolly, Pa. | Glynn | Kahn |
| Briggs | Driver | Griest | Kennedy |
| Brooks, Pa. | Dunn | Griffin | Kirkpatrick |
| Kissel | Merritt | Rogers | Treadway |
| Kline, N. Y. | Mills | Ryan | Underhill |
| Lanham | Moores, Ind. | Sanders, Tex. | Volk |
| Lee, N. Y. | Olpp | Shreve | Walters |
| Lehlbach | Parker, N. J. | Snyder | Ward, N. Y. |
| Luce | Parks, Ark. | Sumners, Tex. | Wingo |
| Lufkin | Parrish | Tague | Wyant |
| MacGregor | Patterson, N. J. | Taylor, N. J. | |
| Magee | Radcliffe | Temple | |
| Mansfield | Rayburn | Tinkham | |

NOT VOTING—88.

| | | | |
|---|---|---|---|
| Anthony | Evans | McFadden | Sanders, N. Y. |
| Bankhead | Fish | Mann | Sears |
| Bond | Fisher | Moore, Ill. | Siegel |
| Bowers | Fitzgerald | Moore, Va. | Sisson |
| Brennan | Free | Morin | Snell |
| Browne, Wis. | Fuller | Mott | Steenerson |
| Buchanan | Gahn | Nelson, A. P. | Stevenson |
| Burroughs | Good | Osborne | Stiness |
| Campbell, Pa. | Gould | Paige | Strong, Pa. |
| Cannon | Graham, Pa. | Parker, N. Y. | Taylor, Ark. |
| Clark, Fla. | Hardy, Tex. | Perkins | Taylor, Colo. |
| Codd | Haugen | Perlman | Tilson |
| Collins | Herrick | Peters | Valle |
| Coughlin | Husted | Petersen | Vare |
| Crowther | Hutchinson | Porter | Vestal |
| Dale | Johnson, S. Dak. | Purnell | Walsh |
| Dallinger | Kitchin | Rainey, Ill. | Wason |
| Davis, Minn. | Kreider | Reed, N. Y. | White, Me. |
| Dempsey | Layton | Riordan | Winslow |
| Dunbar | Longworth | Rodenberg | Wise |
| Dyer | Luhring | Rossdale | Wurzbach |
| Edmonds | McArthur | Rucker | Zihlman |

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. PETERS and Mr. BANKHEAD (for) with Mr. HUTCHINSON (against).

Mr. A. P. NELSON and Mr. HERRICK (for) with Mr. PERKINS (against).

Until further notice:

Mr. ANTHONY with Mr. MOORE of Virginia.

Mr. JOHNSON of South Dakota with Mr. KITCHIN.

Mr. WALSH with Mr. SISSON.

Mr. STEENERSON with Mr. RIORDAN.

Mr. SIEGEL with Mr. BUCHANAN.

Mr. FREE with Mr. TAYLOR of Colorado.

Mr. WINSLOW with Mr. SEARS.

Mr. BRENNAN with Mr. COLLINS.

Mr. LAYTON with Mr. TAYLOR of Arkansas.

Mr. DALE with Mr. FISHER.

Mr. BURROUGHS with Mr. HARDY of Texas.

Mr. PERLMAN with Mr. STEVENSON.

Mr. EVANS with Mr. RUCKER.

Mr. WHITE of Maine with Mr. WISE.

Mr. CANNON with Mr. CLARK of Florida.

Mr. PAIGE with Mr. RAINEY of Illinois.

Mr. GRAHAM of Pennsylvania with Mr. CAMPBELL of Pennsylvania.

Mr. LANGLEY. Mr. Speaker, I voted yea. I have a general pair with the gentleman from Florida, Mr. CLARK, but I am sure he is in favor of this bill and so I will let my vote stand.

The result of the vote was announced as above recorded.

The announcement of the result was received with applause.

SUPPLEMENTAL TO THE NATIONAL PROHIBITION ACT.

Mr. VOLSTEAD. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 7294, with the amendments that are on the copy that I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7294) supplemental to the national prohibition act.

*Be it enacted, etc.*, That the words "person," "commissioner," "applicant," "permit," "regulation," and "liquor," and the phrase "intoxicating liquor," when used in this act, shall have the same meaning as they have in title 2 of the national prohibition act.

SEC. 2. That only spirituous and vinous liquor may be prescribed for medicinal purposes, and all permits to prescribe and prescriptions for any other liquor shall be void. No physician shall prescribe, nor shall any person sell or furnish on any prescription, any vinous liquor that contains more than 24 per cent of alcohol by volume, nor shall anyone prescribe or sell or furnish on any prescription more than one-fourth of 1 gallon of vinous liquor, or any liquor that contains more than one-half pint of alcohol, for use by any person within any period of 10 days. No physician shall be furnished with more than 100 prescription blanks for use in any period of 90 days, nor shall any physician issue more than that number of prescriptions within any such period unless on application therefor he shall make it clearly apparent to the commissioner that for some extraordinary reason a larger amount is necessary, whereupon the necessary additional blanks may be furnished him. But this provision shall not limit the quantity of liquor unfit for beverage purposes that may be prescribed, sold, or furnished on a prescription.

If the commissioner shall find that any article enumerated in subdivisions b, c, d, or e of section 4 of title 2 of the national prohibition

act is being purchased for use as a beverage, or for intoxicating beverage purposes, he may require a change of formula of such article or cancel the permit for the manufacture of such article unless it is made clearly to appear to the commissioner that such use can only occur in rare or exceptional instances, but such action of the commissioner may by appropriate proceedings in a court of equity be reviewed, as provided for in section 5, title 2, of the national prohibition act.

No intoxicating liquor shall be imported into the United States, nor shall any permit be granted authorizing the manufacture of any vinous or spirituous liquor, save alcohol, until the amount of such liquor now in distilleries or other bonded warehouses shall have been reduced to a quantity that in the opinion of the commissioner will, with liquor that may thereafter be manufactured, be sufficient to supply the current need thereafter for all nonbeverage uses.

SEC. 3. That this act shall apply to the United States and to all territory subject to its jurisdiction, including the Territory of Hawaii and the Virgin Islands; and jurisdiction is conferred on the courts of the Territory of Hawaii and the Virgin Islands to enforce this act and the national prohibition act in such Territory and islands.

SEC. 4. That regulations may be made to carry into effect the provisions of this act. Any person who violates any of the provisions of this act shall be subject to the penalties provided for in the national prohibition act.

SEC. 5. That all laws in regard to the manufacture and taxation of and traffic in intoxicating liquor, and all penalties for violations of such laws that were in force when the national prohibition act was enacted, shall be and continue in force, as to both beverage and nonbeverage liquor, except such provisions of such laws that are directly in conflict with any provision of the national prohibition act; but if any act is a violation of such laws and also of the national prohibition act, a conviction for such act or offense under one shall be a bar to prosecution therefor under the other. All taxes and tax penalties provided for in section 35 of Title II of the national prohibition act shall be assessed and collected in the same manner and by the same procedure as other taxes on the manufacture or traffic in liquor.

If distilled spirits are lost by theft, accidental fire, or other casualty while in possession of a common carrier subject to the transportation act of 1920, or if lost by theft from a distillery or other bonded warehouse, and the person guilty of the theft has been convicted of the offense, and it shall be made to appear to the commissioner that such losses did not occur as the result of negligence, connivance, collusion, or fraud on the part of the owner or person legally accountable for such distilled spirits, no tax shall be assessed or collected upon the distilled spirits so lost, nor shall any tax penalty be imposed or collected by reason of such loss, but the exemption from the tax and penalty shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss. This provision shall apply to any claim for taxes or tax penalties that may have accrued since the passage of the national prohibition act or that may accrue hereafter.

The SPEAKER. Is a second demanded?

Mr. GRIFFIN. I demand a second.

Mr. CLASSON. I demand a second.

The SPEAKER. The Chair understands it has been agreed that there shall be 2 hours on a side instead of the usual 20 minutes on a side. The Chair thinks that the ordinary procedure to be followed is for the Chair to follow the same course that is adopted where there is 20 minutes on a side. The Chair would recognize some member of the committee to demand a second who is opposed to the bill.

Mr. CLASSON. I am a member of the committee and I am opposed to the bill and demand a second.

The SPEAKER. The Chair thinks he should recognize the gentleman from Wisconsin to demand a second.

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

Mr. GARRETT of Tennessee. Mr. Speaker, on the bill that passed the House just a few minutes ago the parliamentary situation resulted in two gentlemen on the majority side of the Chamber having control of the time. Whether it was the result of that or not, the fact is that the minority side of the House received during that debate of 40 minutes 8 minutes of time, 5 minutes of that time being yielded to a gentleman in favor and 3 minutes to one opposed. Now, the present question before us is not a party question. All efforts that have been made to make it a party question have failed. It seems to me that it should be arranged so that we can be assured of an equal division of time between those in favor and those against the measure, and that the political minority of the House should have its proper recognition.

The SPEAKER. The Chair has stated to gentlemen who approached him for recognition that he would prefer to recognize a member of the minority inasmuch as the gentleman from Minnesota is on the majority side, but inasmuch as there is no member of the minority of the committee opposed to the bill, the Chair feels constrained to recognize the gentleman from Wisconsin.

Mr. GARRETT of Tennessee. I hope the Chair did not understand me as making any complaint against the action of the Chair in that regard. I made the statement to see if there would not be some disposition to make an agreement whereby some one on this side of the Chamber could be given a certain amount of time in favor of the bill, which he could control, and some one on this side in opposition to the bill a certain amount of time which he could control. I would like to ask unanimous consent that the gentleman from Texas, Mr. SUMNERS, may control one hour of the time in favor of the bill and the gentleman from Illinois, Mr. SABATH, may control one hour of the time in opposition to the bill.

The SPEAKER. Is there objection to the request stated by the gentleman from Tennessee?

Mr. STAFFORD. Reserving the right to object, I would like to inquire of my colleague, who gave notice that he would likely demand a second and be accorded the time, whether he has more requests from the Democratic side than from the Republican side in opposition?

Mr. CLASSON. I have almost twice as many requests from the Republican side as I have from the Democratic side.

The SPEAKER. The Chair would suggest that there are about as many on one side as on the other.

Mr. CLASSON. Let me say at the beginning that I would yield 30 minutes to that side, and perhaps later on I would yield more.

Mr. SUMNERS of Texas. I would like to ask the gentleman from Wisconsin if he would yield 45 minutes to this side, and the chairman of the committee would yield 45 minutes to this side—45 minutes to me in favor of the bill and 45 minutes to the gentleman from Illinois [Mr. SABATH] opposed to the bill?

Mr. CLASSON. I am willing to do that.

Mr. VOLSTEAD. I will do that.

The SPEAKER. The Chair understands that the gentleman from Wisconsin will yield 45 minutes of his time to the gentleman from Illinois [Mr. SABATH], and the gentleman from Minnesota [Mr. VOLSTEAD] will yield 45 minutes to the gentleman from Texas [Mr. SUMNERS]. Is there objection? [After a pause.] The Chair hears none. The gentleman from Minnesota asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. GALLIVAN. Reserving the right to object, is not there some way to get an extra hour for debate. The House has not anything to do to-day. I ask unanimous consent that the time limit be extended one hour on a side, making six hours for general debate.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the time for general debate be extended to six hours. Is there objection?

Mr. CAMPBELL of Kansas. I object.

The SPEAKER. Is there objection to a second being considered as ordered?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I desire to occupy only a few minutes at this time to give some little idea of what we are trying to do by this bill. Some time ago the Attorney General rendered an opinion in which he held that beer and wine might be prescribed for medicinal purposes under the national prohibition act. He not only held that those liquors might be prescribed, but he practically held that the Commissioner of Internal Revenue has very little control over the subject of permits. It was to meet that situation that the bill was introduced, and also to take care of some matters that had developed during the year and a half that this law has been in force. I drafted the legislation and the Judiciary Committee reported it to the House after it had been amended by that committee. The day before we reported it the Supreme Court rendered a decision which materially affects our power under the old revenue laws. When we passed the national prohibition act we sought to preserve the old revenue laws that had been in force for a great many years and which we deemed very necessary for the purpose of taking care of the manufacture and traffic in intoxicating liquor. After we had reported the bill we went before the Rules Committee and sought to obtain a rule, but that committee thought we had too many things in the bill and finally refused to give us the rule.

The gentleman from Kansas [Mr. CAMPBELL], chairman of the Committee on Rules, then introduced this bill, which is a copy of four sections of my original bill. That bill came to the Committee on the Judiciary, and that committee promptly reported it with several amendments. Since then we have added two additional amendments.

Section 1 simply repeats some of the definitions now in the national prohibition act.

Section 2 takes care of the subject of prescribing liquor, not only beer, but wine and all spirituous liquors. It writes into the law some of the regulations that have been in force. It does not aim to limit beyond what has been the custom during the last year the right to prescribe spirituous liquors. It allows 1 quart of wine to be prescribed, but it can not be prescribed in addition to a pint of spirituous liquor, but an amount equal to one-half a pint of alcohol may be prescribed, whether of wine or spirituous liquor.

Section 2 is a provision that seeks to give further control over patent medicines, extracts, and things of that sort. Certain of those are being sold quite largely by the drink in many quarters, sold just the same as whisky was sold, at 15 cents or some other price per glass. The test in the law as to what may be made and sold is rather technical and scientific. We seek to apply in this provision a practical test. If it is being used, if it is upon the market as a liquor, as a beverage, we say that there should be some power to stop it. The last paragraph of the second section gives the commissioner power to prevent an increase in the supply of spirituous and vinous liquor that may be manufactured and imported beyond what may be necessary for the purpose of taking care of nonbeverage uses. There are about 40,000,000 gallons or a little less than that of spirituous liquor in bonded warehouses now, an amount that is very much larger than anything that will be needed for some time if it is used legitimately.

Section 3 simply makes this proposed law and the national prohibition act applicable to Hawaii and the Virgin Islands. The law is in force there, but their courts have no power to enforce it. This gives the courts of those Territories power to enforce the law.

Section 4 simply provides for a penalty.

Section 5 takes care of the decision of the Supreme Court to which I have just referred. It writes into the law what we supposed, at least everybody in this House so far as I know supposed, was the law at the time the prohibition act was enacted. It provides that the old statutes, except in so far as they are in conflict with the national prohibition act, shall remain in force and provides a method of assessing and collecting the taxes imposed under the national prohibition act.

The last paragraph of section 5 is designed to take care of a situation that has been created by reason of the enactment of the prohibition act. There has been a great deal of difficulty in keeping people from stealing liquor in transit and also from bonded warehouses. People who have lost liquor innocently and have been compelled to pay the taxes on such liquor have complained bitterly, and we seek in this to give them a remedy provided they show that they have not themselves been guilty of conniving in the loss or have been careless or negligent in some ways so that they can be blamed for it. I reserve the balance of my time.

Mr. CLASSON. Mr. Speaker, I voted against the submission of the prohibition amendment. I am a member of the committee that framed the original Volstead bill and voted in the committee to liberalize the bill and joined in a minority report against it.

I voted on the floor of the House for all amendments to make the bill more liberal, and after they had all failed I voted for the bill.

When the President vetoed the bill I voted to sustain his veto. In all my votes on this measure I had the unqualified approval of at least one of the voters of my district and that was myself.

I voted against the constitutional amendment because I believed then, and I believe now, that the amendment had no more place in the fundamental law of this country than an amendment fixing the size of a man's hat or a woman's shoe; that the subject was one entirely for State control.

After the amendment was submitted and ratified it became a part of our law, and as such must be enforced.

I voted to liberalize the enforcement bill because I believed it was too drastic.

But when it came to the question of voting for or against the only enforcement act we could get, because I at all times believe in law enforcement, I voted for it.

I believed that war-time prohibition, at the time the Volstead law was enacted, when we were not at war, was the rankest kind of subterfuge and hypocrisy, and when President Wilson agreed with me and vetoed the bill because it combined war-time with constitutional prohibition I naturally voted to sustain my own position and his.

But I must confess that when I voted for the original Volstead enforcement bill I reached my limit, and I shall vote against this bill to supplement the national act. [Applause.] I hoped and partially believed that the people would make the best of the situation and accept the Volstead Act and put their moral influence behind its enforcement, but that hope has been disappointed.

The so-called enforcement of the Volstead Act would be a comedy if its cost did not make it almost tragic and its nonenforcement is becoming more marked and more expensive day by day. Naturally, those who are spending the people's money and being paid for its alleged enforcement are claiming a splendid success, but if every Member of this House will consult his own experience and observation he will know that while we may have prohibition, we have not abstinence nor even temperance. Brewing is becoming a daily and often a deadly art; the ability and desire to distill is growing greater with each ghastly experiment, and the doctors, bootleggers, and drug peddlers are supplementing the heroic efforts of the people to secure a "kick." You can not make people good by legislation, and you can not enforce a law if you have not implanted in the people a sense of moral wrong in its violation.

The American people do not regard the violation of this law as morally wrong. They consider its violation a game in which they are matching their wits against those of the enforcement officers; if they win they have a drink or a bottle; if they lose it is unfortunate but not wrong.

Many people are drinking spirituous liquor now and keeping it in their homes who had never touched, tasted, or handled it before and whose aversion to it could be overcome in no other way except by the country going dry. [Applause.]

I am not theorizing. I am talking from my own observation, and I believe that what is true in my field of observation is true in that of every other Member of the House.

The demand for liquor exists, and so long as it exists it is going to be supplied in one way or another. That is a situation that I believe we should recognize and meet. If we do not meet it, the people will continue to meet it in their own way, and that is not a good way.

But it is said that the people wanted prohibition; that they ratified the prohibition amendment. Well, now did they? When the amending resolution was before the House I was very much interested in an amendment offered by the gentleman from Indiana [Mr. MOORES] providing that the question of ratification in the several States should be submitted to conventions called for that purpose. I voted for that amendment. That would have put the question squarely up to the people to elect members of that convention on the sole issue "for or against ratification." But the Moores amendment received only a handful of votes, and the question of ratification was submitted to the legislatures. I think I am right in saying that many legislatures were elected and some in session when the prohibition amendment was voted out by the House. But whether that be true or not, we all know that members of the legislatures were elected on many other issues than that of ratification of this amendment.

That was only one of the many things that the legislatures had to consider. The people never had an opportunity to vote directly on this question, nor even indirectly by voting for a representative upon the one issue of ratification or nonratification.

The fight then was between the saloons, brewers, and liquor interests on the one side and the Anti-Saloon League, the best organized force that this or any other country ever saw, upon the other. The fight now is by the people for the right of self-determination. [Applause.] They have taken this matter into their own hands; and the American people always get what they want, if they want it long enough and hard enough; certainly not to-day, perhaps not to-morrow, but eventually.

Personally I am dry. I might say with a dust accumulation of 12 years. I have had my own experience, which was sufficient. But I am not one of those whose kidneys are hurt by what some one else drinks. [Laughter and applause.] I would not repeal the Volstead law if I could. But I believe in the strictest kind of law enforcement—every law, for disrespect of one law invariably breeds disregard for others—and because I believe that the present law can not be enforced, I would amend it so that it might be. I believe that the saloon is gone for good, and properly so. I believe that light wine and beer can be manufactured and sold in this country, under proper regulations, to the mutual benefit of the Government and the people, benefiting the Government by the revenue derived, and the saving of a large part of the money now wasted in trying to enforce an impossible law and the people by giving those who want it a nutritious and healthful beverage in place of the health and reason destroying concoctions that some of them now consume. [Applause.]

For that reason I am opposed to the language of this bill, which forbids the prescribing of beer.

Under the national prohibition act, the former Attorney General ruled that beer might be prescribed by a physician as medicine. That opinion has never been tested in the courts and is recognized as good law by the proposed change in the enforcement act to prevent its being carried into effect. The first sentence of section 2 is to nullify the ruling of the Attorney General. The report states that the testimony before the committee was overwhelming that beer is not a medicine.

That statement is true, if one is to be overwhelmed by medical testimony. I have seen so much of it refuted by actual experience myself that I refuse to be overwhelmed or even

slightly awed by it. Medicine is an overwhelmingly uncertain science. Surgery is more nearly sure, although sometimes its terms are rather confusing. For instance, an operation may be highly successful, although the funeral of the operatee follows very promptly thereafter.

Beer is like anything else that we take for relief from ills; if it helps, it helps; if it does not, it does not.

I know people who will take their solemn oaths that their lives were saved by drinking beer as a tonic. Perhaps they are mistaken. If they are, it simply shows that doctors have not a monopoly on making mistakes. Doctors have prescribed beer, I know, and have acted in good faith and gotten excellent results in doing it.

Doctors try many things and experiment much. After all, they are very like the tramp who drifted into one of our southern cities just before an epidemic of yellow fever. When the plague came there was a great shortage of doctors, and although he knew absolutely nothing of medicine, he thought it would be profitable to pretend that he was one. He determined to make notes of his cases and learn from experience. His first patient was a German, who begged continuously and piteously for sauerkraut, so the tramp prescribed it for him and he got well. The tramp noted in his book, "Sauerkraut will cure a Dutchman of yellow fever." His next patient was an Irishman. The tramp prescribed sauerkraut and the patient died. Then he added under his first entry, "But will kill an Irishman."

The doctors before the committee said that beer was not good as a medicine because of the alcohol that is in it, yet they prescribe whisky, with a good many more times the amount of alcohol, and call it good medicine. "Consistency, thou art a jewel."

Mr. MICHENER. Mr. Speaker, will the gentleman yield.

Mr. CLASSON. No. It is argued that prescribing beer as a medicine would be a farce; that people would get it because they wanted it to drink whether they were sick or not. Perhaps they would. That would not alarm me at all. But if the prescribing of beer can be made any more of a farce than the prescribing of whisky has been made then there is no limit to the presentation of farces under the prohibition law.

Why this discrimination? We all know that people get whisky when they want it on prescription. Why not let the people who do not want or can not afford whisky have beer if they want it in the same way? Why favor the distillers over the brewers? If a little alcohol in beer is bad, then much more in whisky must be worse. Why favor the man who can afford whisky over the man who can afford only beer? The prescribing of beer may not be an ideal way to handle the situation. The prescribing of whisky certainly is not.

I favor the prescribing of beer because I believe it is a step in the right direction—helping to cure the present bad condition and tending to temperance and sobriety, pointing the way to a modification of the national act which will give back to the people a reasonable measure of liberty in the management of their own personal and intimate affairs and evolve a workable and enforceable law.

When we legislate for or against extremes we always injure the innocent who stand between those extremes. We must all admit that there are certain people who should not be allowed to have liquor.

That is one extreme. They should be treated as other sick are treated. The appalling abuses of liquor and beer interests is the other extreme. I attempt no defense of either.

We have legislated to protect the one class and to put the other out of business, forgetting the fact that between these two is a great mass of people, honest, industrious, self-respecting, self-governing, intelligent, and moral, who have a right to noninterference with their private business and their private lives so long as they do not invade the rights of others.

I have been reading in the public press of a great demonstration of protest against the present dry law to be held in the city of New York on July 4. It illustrates the point I am trying to make. A 2-inch advertisement by a newspaper artist calling for 100,000 men to parade for the restoration of personal liberty was answered by hundreds of thousands of New Yorkers, and enlistments are pouring in at the rate of from 25,000 to 100,000 a day. People from outside the city and even from other States want to take part, but have been refused because they would make the number too large to handle. The call was for men, but the women refused to be left out, and thousands from every walk of life and every station of society have pledged themselves to march. It is estimated that more than half a million men and women will participate, the largest parade New York has ever seen, more in numbers by far than took part in the preparedness parade, the peace parade, or the Pershing victory parade.

Similar demonstrations will be held in other places, and I have no doubt that a proportionately large number can be gathered for the same purpose in any place in this country.

These are the people that are beginning to be heard and will be heard from this time on until at least a measure of their personal liberty is restored. They represent no interests but their own. They are saying, "A plague on both your houses. We are acting for ourselves." They will get what they want. [Applause.]

I object also to the provision of section 2, which limits the number of prescriptions that a doctor may issue. If vinous and spirituous liquor is good medicine, why limit it to the first 100 persons who may need it in any period of 90 days? If such liquor is to be prescribed at all, why say that anyone who gets sick while the doctor still has some of his 100 left may have his medicine, but one who becomes equally or more seriously ill after the 100 is exhausted may be left to die while the doctor is trying to induce the commissioner to issue another life-saver or two?

The limitation is wholly inconsistent with the idea of medicine, and I believe it to be absolutely indefensible.

If we can not trust the doctors fully, we should not trust them at all.

Mr. Speaker and gentlemen, I have no hope that anything that could be said here to-day will change a vote on this question. You are going to pass this bill. You have the votes and you think you are right. I sincerely hope you may be. But feeling as I do that we have already gone too far and that we should turn back at least part way instead of going further along the road we are traveling, I can not support this measure.

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

Mr. CLASSON. No; I can not yield now. I reserve the remainder of my time.

Mr. SABATH. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. GALLIVAN]. [Applause.]

Mr. GALLIVAN. Mr. Speaker, I wish I had a little more time than I have to discuss this proposition. This is the first time in this Congress I have attempted to take the floor and I am not ashamed to take it on the question which confronts us this afternoon. [Applause.] On the contrary, I am proud to stand here in opposition to the bill now under consideration.

Mr. Speaker, the attitude of the Judiciary Committee and this House reminds me of a story I heard about Uncle Joe when I first came to Congress. The House had got all "het up" over some reform and most of the Members had made flamboyant speeches in favor of the bill, when Uncle Joe, anxious to go on with the business of the House, rose and facetiously remarked, "Now, gentlemen, let us proceed to fool the country some more."

That was a very apt phrase, and whether made in jest or earnest at the time, it fits the situation this afternoon. We fooled the country with the Volstead law about a year ago, and now we are going to fool it some more with the Volstead law junior. The bill is not presented as an amendment to the Volstead Act, but is called "Supplemental to the national prohibition act," and I suggest that it be christened the "Volstead Act junior," that it may not have to bear the sins of the parent nor be hampered in its own hypocritical course as it goes out to fool the country some more. [Laughter and applause.]

The committee report on the first Volstead junior bill says that 100 prominent physicians petitioned for such legislation as this and denied the medical value of beer. Well, there are 150,000 licensed physicians in this country, and 100 appears to me a rather small minority; but that is in keeping with prohibition legislation. The advocates of this bill have severely criticized the American Therapeutical Society, which 10 days ago protested against this legislation, and it was confidently predicted that the American Medical Association would reaffirm its condemnation of alcohol as medicine. Well, the annual meeting of the American Medical Association was held in Boston within the past two weeks; on a test vote it refused to reaffirm its condemnation of alcohol as medicinal. So we appear to have the committee again bowing to the minority. But this is in keeping with the whole agitation and the legislation concerning prohibition. It has been legislation for the minority and regulation of the American people.

You know we are told by the historians that Egypt had physicians 3,000 years ago and they also were regulated by prohibition laws that compelled them to prescribe according to the statute. If they adopted any treatment of their own, they were put to death. We have one conspicuous historical relic of the medical skill of Egypt, the mummy. The physicians of that time preserved the bodies of their patients after death better than they did in life. And Egypt also died from too much regulation by law. [Applause.]

The gentleman from Minnesota may have this historical record in mind and is preparing the way for having his mummified body placed beside that of Rameses I, 3,000 years hence, when this land of the free has become like that of Egypt, a place for only one industry, of excavation to uncover the evidence of reform legislation. One never can tell the ultimate aim of the reformer, and I can see how a far-seeing man like Mr. VOLSTEAD might consider it the most lasting honor he can attain by having his mummified body laid beside that of Rameses I in the final day of judgment to represent the two conspicuous examples of medical practice by law. [Laughter and applause.]

I do not want to only find fault with the Committee on the Judiciary; I am glad I can say one good word for that great body of lawyers. I happen to be a newspaper man. They are true to the Union. The great majority of you here are lawyers and you can appreciate the efforts of the committee to encourage the profession. This bill will no doubt do that, as did the original Volstead Act. The Attorney General reports that the Volstead Act practically doubled the business of the Federal courts, that there are more than 80,000 cases pending before these courts, that there will have to be more judges, more district attorneys, and the creation of criminal courts of the United States to handle the criminal cases that have been brought into the Federal courts by the Volstead Act. This bill when enacted will add to the congestion of the Federal courts, compel Congress to create more judicial districts for more judges and district attorneys, make more business for the lawyers who have not secured election or appointment to office, and be a boon to the lawyers. I think I ought to concede this service to the profession by the Committee on the Judiciary and the lawyers of the House who will vote for the bill, "It is an ill wind that blows no good." This legislation is a windfall to the legal profession. It will hit the doctors, but we make law for the lawyers, not other professions.

Mr. VOLSTEAD is a lawyer, and I believe all the other members of the Judiciary Committee are lawyers, but what are we to think of their respect for their own work in the national prohibition act of a year ago when in their report they say:

> The chief purpose of this bill is to supplement the national prohibition act with provision so as to make certain that its construction will be the same as that which the administration has acted upon until the opinion of Attorney General Palmer was issued on March 3, 1921, in regard to the use of beer and wine as medicine.

The act has been administered by a man who did not pretend to be a lawyer, and who reversed and revised his rulings and interpretations almost every day, but when the Secretary of the Treasury requested an opinion from the Attorney General, who is the chief legal officer of the executive part of the Government, and that opinion is given, which the report recognizes as binding on the administration, the great and distinguished Committee on the Judiciary proposes to amend the act to keep it in harmony with the curbstone opinions of a man who never pretended to be a lawyer. Well, all I have got to say is that the committee has a lot of revision of the law to make before they catch up with Ex-Commissioner Kramer, whose interpretations of the law have been as variable as the tin rooster on the barn on a gusty March day.

He revised and rerevised his opinions to suit his humor or the necessities of his prohibition friends until no one, not even Mr. VOLSTEAD, can tell us this minute what this bill means. If that report is true and it is to make certain the construction of the national prohibition act as it was before the opinion of Attorney General Palmer was issued, why not provide in this law that the prohibition commissioner shall enforce prohibition throughout the country without any other law than his own sweet will? Make him by act of Congress the Pooh-Bah to hold his hand behind him for the inspiration of leniency.

That is what you propose to do indirectly by this bill, and we simply had better clothe the prohibition commissioner with the power to do just as he damned pleases, regardless of the law or the Constitution.

I wish I had the time to dissect the report written by the gentleman from Minnesota [Mr. VOLSTEAD], wherein he himself has shown that the number of withdrawals of gallons of whisky since his act has been on the statute books was three times as great as they were in 12 months preceding the passage of the first Volstead Act. Further than that, I am amazed in that I find in the chairman of the Judiciary Committee the chief violator of the law in the whole country. He tells in that report, and he told the doctors from New York, how to make real beer—actual beer. His own law forbids that and makes it a crime to give any helpful information to those who intend to use their liquor for beverage purposes. And yet the gentleman from Minnesota himself told the doctors from New York just how to make real beer, and I am afraid——

Mr. VOLSTEAD. Will the gentleman yield?

Mr. GALLIVAN. And I am afraid some of them will be acting in the near future after you have passed this bill.

I will be very glad to yield to the gentleman.

Mr. VOLSTEAD. I do not know how the gentleman got the information. I certainly never heard of it.

Mr. GALLIVAN. I read it in the printed report of the hearings on Mr. VOLSTEAD's first antibeer bill.

Mr. VOIGT. Will the gentleman please tell the public where that can be found? [Laughter.]

Mr. GALLIVAN. The gentleman is sitting close to the originator of the thought, and I suggest he get a little closer. [Laughter.]

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

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

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Speaker, on the 29th day of January, 1919, the Secretary of State made official announcement that 36 States of the Union had adopted the eighteenth amendment to the National Constitution, which said amendment provided that—

> the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.
>
> The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

On the 28th day of October, 1919, Congress, over the veto of President Wilson, passed an enforcement measure to carry out the amendment to the Constitution, which was—

> An act to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

It was not expected that this enforcement act was perfect and that it would never need amendment to make it a more effective instrument to enforce this amendment to the Constitution. On the other hand, it was understood that the present enforcement law was an experiment, and if in practice the enemies of the law discovered defects or loopholes through which criminals could escape and the will of the people be defeated that the Congress would at once propose and make amendments to the law that would correct these errors, prevent the escape of the guilty, and maintain the majesty of the law.

The bill before us attempts to correct certain defects in the present enforcement law that have been discovered by the experience of those who have had the responsibility of its enforcement.

A few weeks ago the former Attorney General, A. Mitchell Palmer, ruled that under existing laws beer could legally be manufactured, sold, and prescribed, without limit, for medical purposes. This ruling was immediately followed by over 100 former brewers in the United States filing applications for permits to manufacture beer for medical purposes.

These brewers took advantage of the open door and now await with almost fiendish glee to see the brewery and saloon again restored and national prohibition defeated. The crisis is upon us. Congress must act promptly. There is no excuse for delay. The lawless classes must not profit from this ruling. The country is in earnest and the people demand the necessary legislation to protect the Nation.

During the last 18 months, in which this law has been in force, the enemies of the law and the outlaws who have attempted to still keep alive the unlawful traffic in intoxicating liquor have by every device known to the corrupt human mind discovered certain loopholes that will enable them to still maintain the illegal traffic in violation of the Constitution. Our committee in the consideration of this bill had before us Hon. John F. Kramer, prohibition commissioner, and I quote herewith a portion of his testimony before the committee:

STATEMENT OF MR. JOHN F. KRAMER, PROHIBITION COMMISSIONER, WASHINGTON, D. C.

The CHAIRMAN. Mr. Kramer, will you tell us something about your views on this bill?

Mr. KRAMER. There is one beauty about this bill, as I view it, and that is it goes to the source of things. From my experience during the past year the successful administration of the law depends upon the question as to how close we can get hold of things at the source. It is no use in talking about opening the door and letting the horse be stolen and then getting after the thief. You have got to close the door before the horse is stolen, as much as possible, and that is what this bill, as I view it after reading it over, aims to do; it gets at the source of things.

I might say further that if it were not for the fact that the Attorney General rendered an opinion recently—some months back—in which he laid down certain fundamental principles you would hardly need this bill, because it embodies the things that we were trying to carry out during the past year, at any rate.

Take your provision you have in the bill to limit the number of prescriptions which a doctor may write in any period of time, that we have enforced during all the year, practically during the 18 months. We found that we absolutely had to do it. Before we adopted any regulation in reference to this matter the doctors were prescribing to the limit. Now, I do not mean the great majority of them were, but a few of them were.

The CHAIRMAN. There were enough of them?

Mr. KRAMER. Yes, sir.

The CHAIRMAN. There were wet spots?

Mr. KRAMER. Yes; and you realize this, gentlemen, that it takes only four or five physicians in any city or in any community absolutely to break down the whole law. If we do not have any control over it, you might just as well quit if you are going to permit them to prescribe without any limitation. The best doctors in the land urged upon us to place a limitation upon the number of prescriptions that could be issued.

We adopted a Treasury decision like this: That no doctor shall obtain a book of more than 100 prescriptions—prescription blanks—in a period of three months unless he could come in and show that the nature of his practice was such that he really ought to have more. And it has worked well. We have had no trouble. There have not been a dozen doctors that have complained, and those doctors who have complained need watching; that is all there is to it.

The CHAIRMAN. Would it not be a good idea to reduce that to 50?

Mr. KRAMER. Well, maybe. Perhaps we started out somewhat liberally. We did not know; but the best doctors—I remember one came into the office the other day. He had gotten a book months ago. He had used but 13 blanks. He said, "I do not want any more." He said, "I have all that I need." But there are a few doctors—we got one in Chicago the other day who wrote 400 emergency prescriptions in the space of a few days, and all his other prescriptions amounted to 15 for all other purposes. Of course, the commissioner is not any too wise—none of the men connected with our work are any too wise—but it did not take a very wise man to see that he was prostituting his profession to private gain.

I consider Hon. John F. Kramer, former Federal Prohibition Commissioner, an honest, faithful, public servant, and during his 18 months of service I have no doubt he brought to his duties an honest mind and made a faithful attempt to enforce the law. He was handicapped somewhat by some inefficient, even dishonest, agents. He was everywhere met by a determined opposition on the part of those who wish to bring the law into disrespect. He had to contend also with those who by every device undertook to circumvent the law and bring about its repeal and to obstruct its enforcement in every way that sharp lawyers could devise. In the American Legion Weekly, under date of April 1, 1921, Mr. Kramer reviews at length his experience during this 18 months, considers the problems we now have to meet, points out the successes he has achieved, and also the defects in the law that should be cured by legislation to make enforcement successful and efficient. I ask unanimous consent to make this article a part of my remarks.

The SPEAKER. Is there objection? There being no objection, it is so ordered.

The article is as follows:

Let us consider some of the problems which we have to solve in carrying out the provisions which have been incorporated into the national prohibition act.

First. We have the border problem. This problem is not at all new. Every village that voted dry under local option laws was always bothered more or less in carrying out the provisions of the law by the wet villages which were near it. Every State that adopted the principle of prohibition was more or less hindered in carrying out the principle by the wet States lying near it. And now the Nation, having adopted the principle of prohibition, is to some extent hindered in carrying out the principle by the nations which border upon us.

Second. The illicit distilling of whisky is a problem which requires considerable attention. This practice has been in vogue in the South for many years, but there is one factor which makes it somewhat more difficult to handle at this time, and that is the high price which the illicit distiller can secure for his whisky. Prior to prohibition days all the illicit distiller saved was the tax, but now he makes the entire price at which he can sell the whisky.

Third. The national prohibition act provides for the manufacture of patent, patented and proprietary medicines, hair tonics, extracts, and the like, and makes provision for the use of intoxicating liquor in the preparation of these articles. This offers a problem in that unscrupulous manufacturers will at times divert the liquor which they secure for manufacturing purposes, or place their product upon the market to be used for beverage purposes rather than for medicinal purposes.

Fourth. The large quantities of liquor which were in bond at the time the national prohibition act became effective have been a problem of no mean proportions. We have had difficulty in that the liquor has been stolen at times from the warehouses or withdrawn upon forged permits, and this latter difficulty is the more serious of the two.

Fifth. Under the law manufacturers have the right to make cereal beverages and place them on the market for sale, providing they contain under one-half of 1 per cent of alcohol by volume. In making a cereal beverage manufacturers are permitted to produce a preparation with 3 or 4 per cent or more of alcohol by volume, after which it must be dealcoholized; that is, the alcohol must be taken from the beverage so that the latter is reduced to a strength not to exceed one-half of 1 per cent of alcohol by volume. This provision of the law has given rise to some difficulties in that some of the breweries of the country place the product upon the market before it is dealcoholized.

Sixth. The matter of home brewing and distilling is a problem which requires some thought and attention on the part of the authorities.

Seventh. Not the least of our difficulties has to do with the organization which has to be formed to carry out the provisions of the national prohibition act. These agents are at times severely tried and tempted, and some of them fall. It is altogether likely that some joined the organization because of the opportunities which it affords for unlawful gain.

I might mention other problems, but the ones herein mentioned are the main ones. It might be considered, at first thought, that these problems are so difficult as to make it impossible to solve them. This, however, is not at all true. Let us note them a little more carefully.

Take the border problem, for instance. This really amounts to but little when considered from the viewpoint of the country as a whole. The liquor which comes over the border is confined mainly to the rim of the country, though of course some of it finds its way into the interior. It is a somewhat aggravating problem, however, and will be such until the countries bordering upon our own adopt a different policy from that which they now have in connection with the liquor traffic. It can, of course, be more and more checked as our organization becomes perfected from time to time.

The illicit distilling in the South is a problem which will be before us for some time to come. It will be checked gradually, however, as the sentiment of the people in the different communities becomes strong against it, and as the Federal, State, and local officials come more closely in touch with the situation and perform their full duties in connection therewith.

The problem which arises from the manufacture of patent and proprietary medicines can be practically solved by driving out of business the illegitimate manufacturer of medicines, by taking some of the preparations off the market entirely and by requiring others to be more highly medicated than they now are, so as to render them unfit for use for beverage purposes. Further, this difficulty can be overcome to some extent by compelling the alcohol in many instances to be denatured on the distillery premises prior to its shipment by the distiller.

The problem connected with the large quantities of whisky in bonded warehouses is gradually being solved. We have permitted no withdrawals for some time in the past, and none will be permitted for some time to come. We hape adopted a system of withdrawals which we hope will practically solve the matter of withdrawing liquors upon forged permits. Further, there will from now on be no wholesale liquor dealers, as such, and thus the number who can withdraw whiskies at all will be greatly reduced.

The problem arising from the manufacture of cereal beverages is also gradually being solved. We have now a squad of skilled brewery men who are securing evidence against many of the breweries that are violating the law. Undoubtedly, permits issued to some of these companies will have to be revoked before they will see their way clear to obey the law. This is a most drastic remedy, as it practically destroys the value of the property in that no beverage could be manufactured for a year after the permit is revoked. But, notwithstanding that it is drastic, it undoubtedly will have to be used, and such a course is clearly provided for in the law.

The question of home brewing and distilling is aggravating and will undoubtedly require attention from time to time; but to my way of thinking, this is mainly a fad, an adventure, an experiment. Older persons are much like boys and girls, and they like to do for a time those things which they are told not to do. Many persons already who entered upon these experiments for a time have become disgusted with the business and have quit. I believe this problem will mainly solve itself, although undoubtedly, as suggested, the law will have to take note of it at times.

The social aspect of drink is entirely gone. But few recruits are being enlisted in the great army of drinkers, and this for the reason that there is nothing connected with the service which appeals to the youth of the land. Moreover, thousands and thousands of those who always have been in the ranks are deserting the army because it now has no standing or leadership in this country. Men are learning rapidly that the great bulk of the liquor which is now to be found is nothing more than poisonous concoctions of one kind or another.

The great mass of men will not long be induced to follow such a mirage or deception. Let the law stand as it is for a year or two longer, and the sentiment of the people against the liquor traffic will have so crystallized that few will even advocate the return of light wines and beer. In the beginning the work is difficult, because there are many appetites and habits demanding satisfaction. The work is becoming easier and easier, and will so continue. In a comparatively short time the attitude of the people toward liquor will have so changed that it will be an easy matter to carry out the provisions of the law.

And let me suggest that even though it does require some years to clean up the refuse and débris which resulted from the traffic in intoxicating liquors for beverage purposes, it would be the greatest work ever accomplished in so short a space of time.

Mr. HERSEY. You will note from the printed hearings before our committee that medicinal beer has no friends. No reputable physician appeared before our committee in favor of beer as a medicine. Even the representatives of former brewers were opposed, on the ground that the Government should not manufacture and sell beer as a medicine unless they permitted its unrestricted manufacture and sale, because beer is not a medicine but a beverage.

On pages 40 and 41 of the hearings appear the statement of Mr. Oliver T. Remners, attorney for one of the largest former beer manufacturers in the United States. Among other things, he said:

STATEMENT OF MR. OLIVER T. REMNERS, ATTORNEY FOR ANHEUSER-BUSCH (INC.), ST. LOUIS, MO.

Mr. MICHENER. Are you, or are you not, in favor of the open saloon?

Mr. REMNERS. We are opposed to prohibition. It is a question of distribution; it is a question of which is the best method of distribution.

As attorney for Anheuser-Busch (Inc.), of St. Louis, formerly the largest manufacturer of beer in the world, without relinquishing the principles we have always maintained, I am authorized to speak in favor of the enactment of this amendment forbidding the manufacture and sale of beer for medicinal purposes for the following vital and fundamental reasons:

First. The firm I represent has always stood four square for law enforcement, however much it may have been opposed to the principles of sumptuary laws or such laws in themselves.

Second. Authorization of the sale of beer for medicinal purposes, under the provisions of the present enforcement act, will make it absolutely impossible to enforce the prohibition laws. While we are unalterably opposed to the principle of prohibition, we insist that since the principle of prohibition has been written into the Constitution and the statutes the law should be enforced to the letter, fearlessly, fairly, and with impartiality. It will be only by the enforcement of the prohibition law so stringently that everybody, rich and poor alike, will be denied the use of alcoholic liquors that the American people, after a full and fair trial, will determine in their sober, solemn, second judgment whether they want to continue its operation or whether they want to amend or repeal it. It is our position that every law should be submitted to such a fair and impartial test, regardless of how that law affects our business interests.

You, as members of this committee, know, and I know, that the interpretation of the law permitting the sale of beer for medicinal purposes, in its practical operation, will result principally in the sale of beer at outrageous prices, through restricted channels, to the healthy and not the sick.

The verse we facetiously sang in local-option elections about the saloon, "Don't you cry, you'll be a drug store bye and bye," will become a reality. You know that every doctor will be besieged by his regular patients for beer prescriptions, that the standard and dignity of the medical profession will be lowered, and that the doctor himself will practically become the bartender for his perfectly healthy customers. He can not well refuse to issue such prescriptions, as his practice must inevitably suffer, because a great many of his patients would take offense at his attitude and find other more accommodating family physicians.

Dr. Harvey W. Wiley, the well-known medical writer and pure-food expert, testified before our committee as follows (p. 296):

So far as I know I have never seen in any medical work on materia medica or on therapeutics any reference to beer as a remedial agent. I have a number of such works in my library, and this morning I took the trouble to look through the indices of all of them and I did not find the title "beer" in any of the indices of those works. I conclude therefrom that beer has never been recognized by the medical profession as a remedial agent.

So far as I know I have never seen a prescription written by a physician which included beer as one of its elements. There may have been such prescriptions, but I have not had my attention drawn to them.

But beer has been regarded solely and simply as a beverage.

Dr. Wiley in a late magazine article further said:

A large majority of ethical physicians in this country are fully convinced of the fact that alcohol has no medicinal or tonic value, no matter in what form it may be administered. They believe that the sole use of alcohol in medicine is as a solvent for medicinal principles which otherwise would be difficult of employment. Take alcohol out of the tinctures and its function in medicine is destroyed.

We had also before us Dr. Howard A. Kelly, of Johns Hopkins University, who testified, in part, as follows (p. 97):

STATEMENT OF DR. HOWARD A. KELLY, EMERITUS PROFESSOR, JOHNS HOPKINS UNIVERSITY, BALTIMORE, MD.

The CHAIRMAN. I understand that we are to hear from Dr. Kelly.

Dr. KELLY. To legitimize myself as a witness, let me state that I am Dr. Howard A. Kelly, emeritus professor, Johns Hopkins University, and for 30 years one of the surgeons attending the Johns Hopkins Hospital. I studied medicine in 1877–1882 at the University of Pennsylvania and was graduated in the latter year. Shall I now speak to the purpose of the gathering?

The CHAIRMAN. You may.

Dr. KELLY. I can state succinctly and briefly, sir, that in all my years of practice from 1882 on I have never known any occasion to prescribe beer. I have held countless consultations with some of the most distinguished men in the country as well as average practitioners, and I have never had any occasion or known them to suggest that beer was a remedy of any sort for any kind of a disease whatever. If it should be contended that alcohol is sometimes of use, I have the remedy at my disposal at the drug store—alcohol. If some one will contend that malt is useful, it is very easy to prescribe malt or in a prescription to combine the two and so secure their utility. That does not involve the rehabilitation of the brewing interests of the country and is easily managed from any reputable drug store.

When I was a young man, in my earlier days, particularly in Philadelphia, where I was associated with men like Weir Mitchell, William Pepper, and D. Hayes Agnew, who attended President Garfield, it was often the custom to give liquor—considered a sheet anchor—in typhoid fever, for example, and in sundry other diseases. Medicine is an experimental science. We do not know that strychnine kills until we give it to the patient. We make and use remedies that have to be tried out for a considerable time to determine their utility. Pepsin used to be prescribed by the ton in this country; it is now prescribed by none. Ergot used to be prescribed universally for fibroid tumors in women; absolutely never given now; I mean in the special treatment of diseases of women.

Experience has shown that these alcoholics did practically no good unless they do in a rare, occasional case, which we can readily reach by prescribing alcohol from the drug store, if we think it necessary. The question is not alcohol, but beer, I understand. I know of no use for beer.

Our committee was flooded with petitions, statements, and letters from the most reputable physicians all over the Union objecting to the use of beer or other malt liquors as medical remedies. The following is a sample:

COLUMBUS, OHIO, *May 10, 1921.*

Hon. A. J. VOLSTEAD, M. C.,
*Washington, D. C.:*

The Ohio State Medical Association, representing 4,500 regular physicians, indorses overwhelmingly the prohibition of the liquor traffic for beverage purposes and can see no excuse for the use of beer or other malt liquors as medical remedies. Personally, as a teacher in a medical school, I have taught for years that any supposed indications for their use could be satisfactorily met in other ways.

J. H. J. UPHAM,
*Chairman Committee on Public Policy and Legislation,*
*Professor of Medicine, Ohio State University.*

I am pleased that I am a Representative in Congress from a State that has 1,179 registered physicians, and not one of them during the last 18 months has applied for a permit to prescribe intoxicating liquors. I have received a great many letters from physicians all over my State and have only opportunity to quote from many one letter from a very reputable physician, as follows:

LIVERMORE FALLS, ME., *May 11, 1921.*

Hon. IRA G. HERSEY, M. C.,
*Washington, D. C.*

DEAR SIR: Under present conditions does an entire stranger dare too much in expressing to you the merely personal opinion of a physician concerning the "new-Volstead bill," so called, and with which, if I am informed correctly, you are to come somewhat intimately in contact?

What I would like to say is, that in nearly 40 years' experience with sick people I have yet to learn that their welfare and recovery are at all dependent upon the administration of beer, or alcoholics of any kind.

In view of present-day methods this whole question, as pertaining to the treatment of the sick, is an absurdity—its continual agitation a mere device of the thirsty who are striving to utilize physicians and druggists in an attempt to nullify the law's intent. Pardon me if I subscribe myself cordially, a "wicked Democrat," and

Very sincerely, yours,

CHARLES H. OAKES, M. D.

When we turn to the Nation we find that only 22 per cent of the physicians of the United States prescribe liquors of any kind; that of the 152,627 physicians of the United States 78 per cent have taken out no permits whatever and in 24 States no physicians have permits to prescribe liquor for medicinal purposes.

I note in the making of appropriations to enforce the eighteenth amendment there has been much criticism about the amount of money raised by the Government to enforce the law, and the impression has gone out to the people that the enforcement of the eighteenth amendment has brought much cost and expense to the taxpayers. Mr. Kramer, the commissioner, has cleared the atmosphere by testifying before our committee as follows:

Mr. SUMNERS. What has been the amount of fines and penalties collected by the Government in the last year?

Mr. KRAMER. Vast sums.

Mr. SUMNERS. That is the thought that was in my mind. Have your fines and penalties been sufficient in amount to equalize the cost of administration?

Mr. KRAMER. Yes.

While this is not a question of the wisdom or unwisdom of the law and not a question of the repeal of the eighteenth amendment, yet it is interesting to note from the best figures available that the eighteenth amendment has saved to this Nation $100,000,000 per year.

Our duty is plain to give to the new enforcement commissioner and his agents the best enforcement law that experience can devise.

President Harding, in his speech of acceptance, set forth the general principles upon which every Congressman in the honest discharge of his duty should act to-day. He said:

I believe in law enforcement. If elected, I mean to be a constitutional President, and it is impossible to ignore the Constitution, unthinkable to evade the law, when our every committal is to orderly government. People ever will differ about the wisdom of the enactment of a law—there is divided opinion respecting the eighteenth amendment and the laws enacted to make it operative—but there can be no difference of opinion about honest law enforcement.

Neither Government nor party can afford to cheat the American people. The laws of Congress must harmonize with the Constitution, else they soon are adjudged to be void; Congress enacts the laws and the executive branch of government is charged with enforcement. We can not nullify because of divided opinion; we can not jeopardize orderly government with contempt for law enforcement. Modification or repeal is the right of a free people whenever the deliberate and intelligent public sentiment commands, but perversion and evasion mark the paths to the failure of government itself.

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

The time is as follows:

The gentleman from Minnesota has consumed 20 minutes, the gentleman from Wisconsin has consumed 20 minutes, the gentleman from Illinois has consumed 10 minutes, and the gentleman from Texas has consumed 5 minutes.

The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, it must be conceded that the eighteenth amendment imposed regulations on the social life of the people more drastic than any previous legislation. But there are all-compelling reasons why this amendment was adopted, and there are equally strong reasons for its rigid enforcement. The amendment was adopted by an unprecedented proportion of the States—45 out of 48—and when in October, 1919, the Volstead Act was pending here it passed over the veto of the President by an unprecedented majority. If there has been a solemn expression of the will of the people, beyond any influence of haste or hysteria, for the settlement of any ques-

tion, it was on this subject of prohibition. A change would introduce an element of instability in the management of public affairs which would threaten the permanence of any action taken. Our legislation or policy would become as the shifting sands if we did not carry out the mandate of the people.

There were very potent reasons for the adoption of this amendment and its passage by so great a majority. First, I will mention the change of opinion of the medical profession. I have in my hand a book obtained from the Library, published in 1853, which was the first declaration by any physiologist of international reputation in favor of total abstinence. It is a prize essay on the use and abuse of alcohol, written by Dr. William B. Carpenter, author of a monumental work on physiology. A great majority of the profession now condemn the use of alcohol. The second reason is one of efficiency. Insanity, crime, and demoralization resulted from the drink habit, and people had become so roused upon this subject that severe legislation was adopted in the States and in the Nation. This explains the war prohibition act. Another reason is that the people of the United States do not believe in a bloc that takes a place apart from the principles that divide the rest of the people and unites on behalf of a particular interest. This was notable in the case of those engaged in the liquor business. The question has often been asked why the State of Ohio gave Mr. Wilson so large a majority in 1916. For some reason, I hardly know why, the word was sent around a few days before that election in November, that everyone interested in the liquor business should vote for him. That explains very largely the enormous vote that he obtained. In addition to these influences which I have mentioned great moral influences have been at work—churches and philanthropists—those who look forward and upward. They have hoped that by this legislation the quality of our population may be improved, that the drunkard may be reformed, that the dull eye may become bright, that the staggering gait may become a manly tread, and that the resources of the wage earner, often wasted in dissipation and drink, may be used for the comfort of his family, to bring light and hope into the home for his wife and children. [Applause.]

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

Mr. SUMNERS of Texas. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. RAKER].

The SPEAKER pro tempore. The gentleman from California is recognized.

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

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, the general history of this matter has been gone over fully. The arguments made here to-day are the same as those which were made when the prohibition amendment was before the House. The same argument is now made as was made when the enforcement act was before the House, and the same arguments are now made that were made before the Supreme Court of the United States; at least, they are made by a few to-day.

There is not any question but that the efficiency of mankind in the United States has been raised very materially, in many of the industries 25 to 40 per cent. Home conditions have been advanced. Children have been sent to school and clothed that never were before. Homes are in better condition since the liquor has been taken from them than at any time before.

I have received two arguments and many general pamphlets; but there have been two arguments presented, and I suppose every Member of the House has received them—those in favor and those against. The one that I want to insert in my remarks is a postal card from "an ex-drunkard who began on beer." I will not take the time to read it, but will insert it.

Mr. HILL. Mr. Speaker, will the gentleman yield for a question?

Mr. RAKER. No; I decline to yield.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. RAKER. The postal card reads as follows:

Two couples were standing in the spirit world viewing the actions of their children in this world. My wife and I saw our boy staggering through the streets. Our agony was intensified by an angel, who said, "Had you done your duty this would not have been." I had lived a drunken life until almost ready for the grave, and she was in favor of and kept "beer and light wines" for daily temperate consumption.

My companion and wife, a man and woman who had never drunk anything intoxicating, but who had upheld the rights of others to do so—the man a Member of Congress, his wife a social leader—gazed on the little daughter whom they had left below in a drunkard's home surrounded by poverty and misery.

As before, the angel said, "Had you done your duty when an inhabitant of the world this would not have been." "But I never did any of these things." "True, but your influence was never exerted against them, and you are as guilty, if not more so, than your friend."

Moral: Fight beer "and light wines" and all officials who favor them as you would a rattlesnake, for, as has been well said, "It is a notorious fact that nearly all drunkards begin by drinking 'light wines and beer' when young, and as the appetite grows the desire for stronger drink is developed."

AN EX-DRUNKARD WHO BEGAN ON BEER.

The other arguments are those that are opposed to this legislation. One of them I could not submit to the committee to have it printed. The only way I can do so is to present it publicly to the House as the argument of those who are opposed to this kind of legislation, and the argument consists in a postal card about 4 inches long and 2 inches or 2½ inches wide, with a 2-cent stamp, addressed as follows: "Hon. JOHN E. RAKER, House of Representatives, Washington, D. C." Attached to that is a piece of tobacco an inch square by a quarter of an inch thick; and, as an argument against this legislation and to bring humiliation to the man who had the courage as a member of the committee to do his duty and report a bill, it is asked that the following disposition be made of this little chew of tobacco, which reads as follows:

Unfit for chewing purposes. Contains 1 grain of tartar emetic. Please hand to Mr. VOLSTEAD.

That is the argument that is made against this legislation. It shows they have exhausted all proper means or methods of argument. The law has been enforced, and they take the method now of using the mails for this kind of an argument to be submitted to the American Congress in voting on an important bill.

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

Mr. HILL. Mr. Speaker, I ask that the gentleman be allowed half a minute more. I want to ask him a question.

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

Mr. HILL. I want to ask the gentleman if he knows who sent those cards out?

The SPEAKER pro tempore. The control of the time is in the hands of the gentleman from Texas [Mr. SUMNERS].

Mr. RAKER. Mr. Speaker, I would like to have half a minute more to answer.

Mr. SUMNERS of Texas. Can the gentleman from Maryland [Mr. HILL] yield time?

Mr. HILL. I asked if the gentleman knew who sent it out.

The SPEAKER pro tempore. The gentleman from Maryland has no time in his control on this bill. The gentleman from Illinois [Mr. SABATH] is recognized.

Mr. SABATH. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. KINDRED].

The SPEAKER pro tempore. The gentleman from New York is recognized for 10 minutes.

Mr. KINDRED. Mr. Speaker, the eighteenth amendment and the Volstead law for its enforcement were enacted during the period when our country was at war, and must, therefore, be regarded strictly as a war measure which would be promptly repealed, as all other strictly war measures have been repealed and are to be repealed.

The eighteenth amendment prohibits the manufacture, sale, transportation, import, and export of intoxicating liquors for beverage purposes.

There is no provision in this constitutional amendment against the use of such intoxicating liquors for medicinal, sacramental, and certain manufacturing purposes, but, on the contrary, the amendment expressly provides for their use for medicinal and sacramental purposes.

Under the ruling of former Attorney General Palmer, the existing law contained no prohibition against the use, for medicinal purposes in reasonable quantities, of spirituous liquors—that is, whisky and brandy—proof spirits—and wine and beer or other malt liquors of sufficient alcoholic content to be intoxicating—if in the good and honest judgment of the attending physician, they should be used in the treatment of disease.

As the whole spirit of the eighteenth amendment—prohibition—is to lessen the consumption of intoxicating beverages by the people of the United States, particularly beverages of the higher alcoholic content, the inconsistency, absurdity, and injustice of the provisions of these proposed amendments as provided for by H. R. 7294, known as the Campbell bill, to the existing Volstead law, will appear to all who desire to be fair and unprejudiced. It is obvious that if physicians can legally prescribe and furnish as they may do under this resolution, to any one person, in any period of 10 days, as much as one-fourth gallon of vinous liquor—wine—of 24 per cent alcohol content, by volume, and also can furnish or prescribe for any one person within the same period of time any liquor that contains as

much as one-half pint of alcohol, that there would be no violation of the spirit of the prohibition amendment, and of the reasonable intent of the American people who "put over" this amendment, if the bill now under consideration would permit licensed physicians, in the interest of treating and curing their patients, to prescribe beer and malt liquor, which, with the strongest alcoholic content, would not contain in the case of beer more than from 3 to 6 per cent of alcohol, and in the case of ale, porter, or stout a slightly greater alcoholic content than good beer.

This brings us logically to the consideration of what is good beer and what is not beer at all. The manufacture of ale or beer is of very great antiquity. Heroditus ascribes the invention of brewing to Isis, and tells us that the Egyptians drank a liquor which they called zuthos, fermented from barley. Ale or beer was never used to a great extent in Greece or Italy, partly owing to the abundance of wine in these countries. Xenophon, in his "Anabasis," mentions it as being used among the inhabitants of Armenia, and the Gauls were also acquainted with it in early times. Ale or beer was in common use in Germany in the time of Tacitus. It can not be too strongly stated that the stuff now called beer and legally sold throughout the United States, containing, under the Volstead law, not more than one-half of 1 per cent of alcohol, is worse than no beer; it is literally "rotten," for the reason that it does not contain—and can not legally under the Volstead law contain—sufficient alcohol to preserve the ingredients out of which it is made. This near beer and any other malt liquor that is now being legally made and sold may contain the very best materials out of which good beer and malt liquors should be manufactured, but it is chemically impossible to make any beer or other medically useful beer or malt liquor without sufficient alcoholic content to preserve the vegetable ingredients contained in the three classes of malted liquor—ale, beer, and porter, all containing, in varying proportions, hops, yeast, malt, barley, and so forth, and each class having its own mode of fermentation and treatment in its manufacture. The beneficial action of these malt liquors in a medicinal way is due not only to the nutritious tonic and stimulating effects of the properties referred to, but also to the fact that they contain in varying degrees, according to all the leading medical authorities on therapeutics and the practice of medicine, other valuable medicinal properties, such as potassium and sodium salts, lactic acid, carbonic acid gas, and so forth.

Just as without sufficient alcohol, the vegetable ingredients of medical tinctures and other preparations can not be prevented from deteriorating, so that vegetable and other ingredients of beer must be preserved and prevented from unwholesome fermentation and chemical deterioration by the presence of a sufficient percentage of alcohol; in other words, these medical vegetable tinctures and other preparations used in medicine must be preserved and prevented from unwholesome fermentation and chemical deterioration by sufficient alcoholic content used in their preparation. Most vegetable tinctures and preparations used in medicine contain and require from 18 to 40 per cent of alcohol to preserve them and prevent chemical deterioration.

If sufficient alcoholic content is necessary to prevent deterioration of tinctures and other preparations used in medicine, why, in the name of the public health, should not enough alcohol be allowed in the American people's beer, also, to make it healthful? What better, or more refreshing or more wholesome beverage do these scientific benefactors of the human race, who father this bill, offer to the millions of decent men and women of this country who have always had and enjoyed a glass of good beer and whose fathers and forefathers have had their beer, and prospered with it? If the masses of people are to be hounded by a system of repressive, un-American blue laws and treated and convicted as felons and common criminals if they insist on drinking a glass of decent beer, then how can any sane statesman see anything but an increasing unrest in the already menacing state of affairs throughout the country?

The proposition involved in this proposed amendment is, if strong alcohol and strong wine—as much as 24 per cent alcoholic content—are to be prescribed under the authority of this law, which it is proposed to enact to-day, what harm would be done to permit the physician under authority of the same law to prescribe standard beer of far less alcoholic strength—not to exceed 6 or 7 per cent in alcoholic strength? Unless the physician is given the legal right to prescribe beer or a properly prepared malt liquor he will be unjustly and arbitrarily deprived of a valuable therapeutic agent in the treatment of disease, notwithstanding the statements to the contrary in the hearings on this bill by certain holier-than-thou, high-browed, self-constituted medical specialists, from a notable medical school, who found the time and inclination to be heard by the Judiciary Committee, on the utterly untenable proposition that beer and malt liquors have no place in the practice of medicine. Certain of these physicians, who would lightly deprive all the other approximately 150,000 reputable physicians of this country of their traditional rights and stamp all physicians as cheap bootleggers, are known to be sensational advertisers who approach dangerously near being considered "quacks" by those physicians who are in position to know them and their methods. It is a matter of common knowledge that the chairman of the Judiciary Committee, the gentleman from Minnesota [Mr. VOLSTEAD], was at least reluctant to hear any testimony before his committee that favored beer in any manner and that he in some instances treated certain witnesses who testified before the committee with scant, if any, courtesy. I myself went personally to and requested the gentleman from Minnesota, the chairman of the committee, to allow me, as a physician and as a citizen and as a Member of this House, to go before the committee and testify as to the whole truth about beer and malt liquor in the practice of medicine. He replied that he would allow me to appear before the committee, but he would allow me only 10 minutes in which to present this important subject. It is a well-known fact that he gave witnesses opposing beer much more time. I declined to appear before the committee under the conditions imposed. I think I will show the absurdity and injustice of this attempt to discriminate against beer in medicine and the grave injustice of discriminating against and insulting the great medical profession of the United States, who as humanitarians, patriotic American citizens are the peer of any profession or class of good, law-abiding citizens. That these physicians are almost unanimous in resenting this injustice is shown by the fact that both schools of physicians, the regulars and the homeopaths, assembled as great national associations, have within three weeks passed resolution expressing their unqualified disapproval of this measure and their keen resentment of this proposed discrimination. I refer particularly to the resolutions to this effect passed by the National Association of Homeopathic Physicians and also by the American Therapeutic Association, composed of leading physicians all over the United States who have made a specialty of the study and administration of drugs and medicines and therefore speak on this subject with the highest authority.

All leading medical authorities in the United States and Europe indorse the use in all their textbooks and teachings for physicians and medical students from time immemorial of beer, stout, porter, and ale as types of malt liquors to be used in the successful treatment of various diseases.

Prof. Hobart Amory Hare, professor of therapeutics and materia medica at the Jefferson Medical College, Philadelphia, in his textbook of Practical Therapeutics, seventeenth edition, 1918, says on page 82:

> Stout and porter and well-brewed beer are of value in wasting diseases and in convalescence from acute diseases and for nursing women. Most of the beer in America contains about 4 to 6 per cent of alcohol.

George Butler, A. M., M. D., and so forth, professor of therapeutics and pharmacology, Chicago College of Medicine and Surgery, and so forth, in his textbook of Materia Medica, Pharmacology and Therapeutics, sixth edition, says:

> Alcohol in the form of beer or ale, taken before or during meals, is an efficient stomachic (meaning a good medicine and tonic for the stomach); a tonic for dyspepsia and weakened digestion attendant on or upon convalescence from acute diseases. Convalescents are often greatly benefited by some form of alcohol as it is contained in beer and ale. When the digestion becomes impaired as the result of physical or mental exhaustion the drug (alcohol in the form of beer and ale) serves a useful purpose as a tonic.

Prof. Oliver T. Osborne, department of medicine, Yale University, is also authority for the following statement:

> Strenuous exercise and hard labor will allow a man to take more alcohol without harm than can be used by a man of sedentary habits. There is no doubt alcohol can be used as a substitute for food in the place of sugar and starch. In emergencies it may thus sustain and give life.

This particularly applies to the use of malt liquors, beer, ale, stout, and porter, and it also proves that alcohol, particularly the small percentage contained in malt liquors, is a food as well as a reconstructive tonic, stimulant, and tissue builder in wasting and other diseases.

Prof. Otis Larch, medical department, Tulane University, at New Orleans, in his standard textbook on Medical Diagnosis, page 39, says:

> Malt beer is rich in carbohydrates and is frequently prescribed.

Sir Victor Horsley, M. D., and Dr. Sturge, the authors of the well-known book, "Alcohol and the Human Body," and who violently oppose the use of intoxicating beverages and whose book was written solely against the use of alcohol as a beverage, in

discussing the effect of malt liquors on the human digestion, page 212, state:

These beverages (malt liquors) contain only from 4 to 6 per cent of alcohol (8 to 12 per cent of proof spirits), so that the alcohol contained in them could scarcely ever on its own account produce any bad effect.

Tea and coffee—

Horsley says—

were also proved to do harm.

Note that the claim is made by this most widely read and extensively quoted medical authority on the effects of alcohol on the human body that the effect of malt liquors, which include beer, porter, and stout, of the small alcoholic content of from 3 to 6 per cent—8 to 12 per cent proof spirit—could scarcely ever on its own account produce any bad effect, except through the effects of large quantities of such beverages, if taken with meals, causing dilution of the food in the process of digestion.

Everyone knows that too much water, coffee, tea, and so forth, taken with meals would retard digestion in the same way, and also that digestion is not only not interfered with but that it is aided by reasonable quantities of good malt liquor, beer, ale, porter, or stout.

The existing Volstead law permits regularly licensed physicians to legally prescribe for their patients whisky, brandy, wines, beer, and malt liquors of such alcoholic strength as to be intoxicating. But with the excuse of preventing the abuse of prescribing beer, by a very small percentage of physicians, the pending measure (H. R. 7294) proposes arbitrarily and without reason to prohibit physicians from prescribing beer and malt liquors of standard alcoholic strength of 3 to 6 per cent. This bill, notwithstanding this prohibition as regards the prescribing of such beer, permits physicians to legally prescribe for medical purposes spirituous and vinous liquors—vinous liquor—wines—that contain not more than 24 per cent of alcohol by volume, provided that not more than one-fourth of a gallon of such vinous liquor is prescribed or furnished for use for any one person within any period of 10 days, and so permits the prescribing or furnishing by the physician of any liquor that contains as much as one-half pint of alcohol—grain alcohol—for use of any one person within a period of 10 days.

Both the existing Volstead law and the amendments to it, now proposed, constitute a grave interference with the rights of both the physician and his patients, for whom he should at all times have the right to prescribe any drug or agent which, in his honest and good judgment, is really needed. Under the Harrison narcotic drug law and under all of the laws of the respective States intended to regulate the prescribing of dangerous narcotic and other drugs, the physician is permitted to prescribe most poisonous narcotic drugs, under proper regulations, but he can not under the pending measure prescribe any beer of the weak alcoholic strength of from 3 to 6 per cent. How inconsistent and absurd. It is also a matter of fact, from the medical point of view, that this proposed law will not meet the needs of the physician and his patients in respect to the alcoholic and vinous liquor which the physician may legally prescribe or furnish. I, as a physician practicing for over 30 years in the specialty of treating alcoholic and drug addicts, know of my own knowledge and experience that many alcoholic and other cases require for the most scientific treatment of their diseases, particularly in the so-called tapering treatment of alcoholism and delirium tremens cases, from 2 to 3 fluid ounces of proof whisky, diluted every three or four hours, one patient thus requiring more whisky in 24 hours than the physician is allowed to legally prescribe in any period of 10 days.

This amount would be actually necessary in many such cases to save a valuable life or to prevent an outright attack of insanity. The only way, legally, the physician could obtain a greater amount of spirituous liquor—that is, the equivalent to about 1 pint of proof whisky or brandy which he could prescribe in a 10-day period—would be for him to prove to the Commissioner of Internal Revenue or to his widely scattered representatives that the circumstances in a given case would constitute an extraordinary reason. This would mean, according to the experience of many physicians who may have dozens of such cases under treatment, that either the physician would incur a risk of a prison term in a Federal prison if he took the law into his own hands in order to save the life of his patient, or if he obeyed this unjust law allow his patient to die because of the lack of proper medical treatment.

These restrictions are all the more unjust because they not only allow the prescribing of too small quantities of liquors, as just pointed out, but because they limit the physician to 100 prescriptions in 90 days, although a busy physician might have fully 100 or more patients during 90 days requiring alcohol.

After a study of this whole question from the viewpoint of the ultimate welfare of our country, I believe that the deplorable conditions as regards increasing drug addictions and bootleggers, and the increasing contempt for the laws that are causing these conditions, could be rapidly relieved if the Congress would pass reasonably liberal laws for the enforcement of the prohibition amendment; if, instead of fixing arbitrarily one-half of 1 per cent of alcoholic content for beer, an alcoholic content were fixed sufficient to make decent beer—to prevent the fermentation of the vegetable ingredients contained in the beer. This would satisfy the masses of people and bring about more real temperance and more respect for law and order. If respect for law and order is not restored in this country, it would be difficult to predict the consequences.

As a protest against these conditions and against the enactment of new blue laws of repression and oppression, the people of the district I have the honor to represent here, the Borough of Queens, New York, will parade a hundred thousand, made up of law-abiding citizens of all classes, to-morrow night. The citizens of the Greater City of New York will July 4 next have the largest parade in her history of magnificent parades of approximately 1,000,000 citizens as a solemn protest against the further encroachment of their personal liberty.

I hope my esteemed colleagues, particularly those of the majority party who control the committees which have reported this un-American, unreasonable, unjust, and repressive measure, will agree that I have made out the case, at least from the medical side, as to the usefulness of beer and malt liquor in the practice of medicine, and that is strictly the issue drawn in the most important section—section 2—of the pending bill.

Appended are the scientific opinions of Noble P. Barnes, M. D., chairman of the council of the American Therapeutic Society, Arlington Hotel, Washington, D. C., and C. E. de M. Sajous, M. D., of Philadelphia, and also resolutions of the American Therapeutic Society:

THE ARLINGTON,
*Washington, D. C., Saturday, June 25, 1921.*

Mr. J. J. KINDRED, M. D.,
*House of Representatives of the United States,*
*Washington, D. C.*

MY DEAR MR. KINDRED: The secretary of the American Therapeutic Society, Dr. Lewis Taylor, is not in the city, but will return to Washington Monday morning. I have left instructions for him to get into communication with you at once upon his return.

The mental note I have of the resolution of the American Therapeutic Society is as follows: "That physicians and surgeons should have the unimpaired right of prescribing this drug (alcohol) without any foolish restrictions."

The society does not approve of liquor-prescribing doctors, the society does not wish to interfere with or violate the eighteenth amendment, but the society does want to go on record as maintaining that no legislative body or enforcement authority should limit or hamper a doctor of medicine in the legitimate exercise of his functions as a physician.

Alcohol, per se, is a drug and should be classed as such. It has a definite physiological action, and a wide range of therapeutic application. It is not only useful but absolutely necessary in the treatment of certain conditions and in the manufacture of other drugs.

The restrictions, regulations, and taxation placed about and upon this drug to-day makes an enormous cost to the sick who are usually poor. The limit in quantity (e. g., a pint of whisky every two weeks) and other regulations that are effected by ignorant if well meaning clerks and Government officials are little short of insults to the honest, scientific members of the medical profession.

Alcoholic products constituting the so-called intoxicating liquors should likewise be classed as drugs. Just here I will add that the proper persons to determine the toxicity of drugs are recognized scientific physicians, chemists, and physiologists.

There are many conditions where light wines, beer, ale, stout, porter, etc., are needed and if the articles contain an intoxicating amount of alcohol they, too, should be classed as drugs and the physician should be given the privilege to practice his profession with as little red tape as possible. An active scientific physician with his mind occupied in important problems does not want to be annoyed by excessive clerical detail.

I am inclosing a published letter written by Dr. C. E. de M. Sajous. Dr. Sajous is a member of the council of the American Therapeutic Society and one of the recognized leaders in the American medical profession. His deductions are well worth serious consideration.

Thanking you for your courtesy to me and your interest in matters pertinent to the medical profession, I am, with every good wish,

Yours, fraternally,

N. P. BARNES, M. D.,
*Chairman of the Council*
*of the American Therapeutic Society.*

[From the Public Ledger of Philadelphia, June 2, 1921.]

SCIENTISTS ARBITERS FOR USE OF ALCOHOL—DR. SAJOUS DECLARES THAT MEDICAL EXPERTS SHOULD DETERMINE WHAT ARE "INTOXICATING LIQUORS."

To the EDITOR OF THE PUBLIC LEDGER.

SIR: In the editorial published in your issue of the 30th instant, referring to Senator PENROSE'S desire to see the prohibition enforcement transferred from the Bureau of Internal Revenue to the Department of Justice you very rightly remark "that some radical changes are necessary and will be agreed upon unless the Nation is going to suffer indefinitely the demoralization of witnessing the almost universal flouting of a law which has been embedded in the Constitution itself."

Permit me to state, however, that the transfer referred to would not improve the situation and would aggravate it, perhaps, by imposing upon the Department of Justice the necessity of enforcing a law the fundamental feature of which, the proportion of alcohol required to render a beverage intoxicating, remains undetermined. Indeed, while

estimates in the various States vary from one-half to 3.4 per cent by volume, the Federal one-half per cent has no scientific support and is, therefore, indefensible—at least honorably.

Physicians are the sole legitimate arbiters in such circumstances; yet they consider those members of their profession who study the mode of action of drugs upon the body, the "pharmacologists" and teachers of therapeutics, as the only experts capable of ascertaining with precision just the meaning of "intoxicating liquors" in respect to their alcohol content. Again, they would hold that in determining so momentous a question the opinion of many such should alone prevail. Hence the fact that, although a teacher of pharmacology and therapeutics, I submit, instead of personal observations, the results of researches published by many authorities of the class mentioned. These may be summarized as follows:

First. There is absolutely no scientific ground for the ruling of the Commissioner of Internal Revenue of February 6, 1919, which makes it unlawful for a beverage to contain more than one-half of 1 per cent of alcohol. This act has been imposed upon the American public and submerged in a maze of legal technicalities without regard for scientific accuracy. It misrepresents the meaning of "intoxicating liquors" left open in the eighteenth amendment.

Second. It has been experimentally demonstrated that dilutions of alcohol not exceeding 3 per cent by volume can not produce intoxication. The great volume of fluid ingested makes it impossible to accumulate enough alcohol in the body at a given time to intoxicate. Light beers, ciders, and other beverages containing not more than 3 per cent of alcohol per volume would, therefore, meet the aims of the eighteenth amendment.

Third. Light wines containing not more than 5 per cent of alcohol by volume are likewise nonintoxicating. The quantity required to intoxicate would not only be excessive, but the presence in the wine of tannates, ethers, essential oils, etc., tends to disturb the alimentary tract when such quantities are ingested. Light wines containing not more than 5 per cent of alcohol per volume would also, therefore, meet the purposes of the eighteenth amendment.

Fourth. In nonintoxicating doses or quantities alcohol possesses several therapeutic properties: (a) It promotes the defensive efficiency of the body against disease; (b) it increases the intake of oxygen; (c) it promotes the action of the heart and circulation; and (d) it enhances the processes through which fatigue wastes are broken down and evokes a feeling of comfort and well being. Indeed, it thus fulfills the Biblical teaching that—

*"He causeth the grass to grow for the cattle and herb for the service of man, that he may bring forth food out of the earth and wine that maketh glad the heart of man."*—Psalm civ, 14, 15.

You also state very appropriately: "Law-abiding people, whether they approve of the amendment or not, are in entire unity with the proposition that it is fatal to public morals to maintain on the statute books laws that are not enforced or which are in such universal contempt that their enforcement is impracticable. In some sections of the country the prohibition enactments are perilously near that condition; juries refuse to convict violators even when the proofs of guilt are conclusive, and foolish technicalities of legal procedure are everywhere invoked to make convictions as difficult as possible."

It is my firm belief that those of our people who are law abiding in all other directions would likewise be so in respect to prohibition if their rights were not imposed upon by the one-half of 1 per cent ruling which the Commissioner of Internal Revenue could not support by a single scientific fact. It is the rock which is sinking the prohibition ship, because it is based upon misrepresentation and strikes equally the innocent and the guilty.

When relieved of this incubus, the prohibition amendment will find sufficient support among the steadily growing millions of its enemies to insure its perpetuation. This support will come from those who fully realize what the abuse of alcohol means in the way of misery, neglect, starvation, disorder, crime, and disease, and how great is the need of legislation to prevent it, but who also insist upon the truth as represented by the voice of science, which teaches that the well being and other benefits a nonintoxicating 3 per cent beer or 5 per cent wine confers upon a fatigued workingman are assets which should be respected.

C. E. DEM. SAJOUS, M. D.

PHILADELPHIA, *May 31, 1921.*

---

AMERICAN THERAPEUTIC SOCIETY,
*June 27, 1921.*

Hon. JOHN J. KINDRED.

DEAR MR. KINDRED: At the request of Dr. Noble P. Barnes, I am sending you the resolution adopted by the American Therapeutic Society at its last annual meeting, which is as follows:

"Whereas the use of ethyl alcohol and its preparations for medicinal and surgical purposes is not only justified, but also indicated by observations made by laboratory investigations and clinical experience: Be it

"*Resolved by the members of the American Therapeutic Society in convention assembled*, That alcohol has a proper place in the treatment of disease; and be it further

"*Resolved*, That the least possible restrictions in the use of this drug compatible with the enforcement of the eighteenth amendment be imposed on the members of the medical profession; and be it further

"*Resolved*, That a copy of these resolutions be sent to the proper authorities."

Very truly, yours,

LEWIS H. TAYLOR,
*Secretary American Therapeutic Society.*

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

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

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. CLASSON. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. RYAN].

The SPEAKER pro tempore. The gentleman from New York is recognized for three minutes.

Mr. RYAN. Mr. Speaker and gentlemen of the House, I take great pleasure, as the gentleman from Massachusetts [Mr. GALLIVAN] said, in rising in opposition to this particular bill. I have never been in favor of the Volstead national prohibition act. My district is not in favor of it. We are honest up there, and we come out and say and do and act as if we were not in favor of it. I do not believe in any legislation of any kind that tends to regulate how our doctors and the medical profession shall prescribe for their patients. I think it is beyond the power of any legislative body and of Congress to regulate the amount of alcohol that is to be used in beer, at least in the treatment of people who are sick. What right have you men of the House, admitting the lack of knowledge of the subject, to regulate the practice of medicine?

The American Federation of Labor has voted 100 per cent in favor of the use of beer and light wines.

You gentlemen who are now prohibitionists will find that you have reached your last line, as Hindenberg reached his. This is your Marne, as it was his. You will be thrown back as he was. You can not fool all of the people all of the time. You have gone as far as you possibly can go. Possibly you will carry this bill through to-day by a vote of 2 or 3 to 1, and this amendment to the Volstead national prohibition act will temporarily become a law.

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

Mr. RYAN. No; I do not yield.

Mr. BLANTON The gentleman, of course, is in favor of the Constitution.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. RYAN. Not at all. Of course, I am in favor of the Constitution. I am in favor of any legislative act that should be enacted by this body and that could be enforced.

Up in New York we have a saying, "Where can we get good liquor?" The answer is, "At the police station or at the national prohibition headquarters." [Laughter.] The only place where we do not have good beer is New York. We can not get it there; but you can get it in Washington and in Texas. [Laughter.] But the people up there will rise up, no matter what Members of this House think, and when they vote 100 per cent in favor of beer and light wines their wishes must be respected.

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

Mr. RYAN. I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. HILL. Mr. Speaker, would it not be in order to ask unanimous consent that all Members who address the House may revise and extend their remarks, and that all Members who desire to insert their remarks in the RECORD may do so?

The SPEAKER pro tempore. It would be proper to do so provided the gentleman could get time from one of the gentlemen who control the time.

Mr. VOLSTEAD. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. MICHENER].

The SPEAKER pro tempore. The gentleman from Michigan is recognized for two minutes.

Mr. MICHENER. Mr. Speaker, I did not intend to say a word on this proposition, but I have sat here and listened for hours—to what? To the same tale of woe that we have listened to every time any proposed prohibition legislation has been up for consideration, and then at last the gentleman from New York [Mr. RYAN] takes the floor and tells us that the people of New York are not going to enforce this law and that the people of New York have determined that this law shall not be enforced. Good God, gentlemen of this Congress, has it come to this, that the people of the city of New York will rise up and tell this Nation that they will not permit the law to be enforced? I say to these people from New York it is not a question of what communities may think, it is a question of what the Nation thinks. Ah, the day of secession is past. There was a time when our fathers divided in this Hall, when they each went their way, but to-day this Union is stronger and greater than any of its parts, and under that flag I believe that any law that this Congress passes, which is constitutional, can be, should be, and will be enforced. [Applause.]

The same communities and largely the same men who fought the eighteenth amendment, who fought woman suffrage, and who fought the Volstead enforcement law, are fighting this measure. They are fundamentally opposed to prohibition. At one time they contended for the open saloon. To-day there is not a man here who will stand up in his place and advocate the return of the old saloon. These gentlemen would repeal the eighteenth amendment, if possible; they would repeal the Vol-

stead enforcement law, if possible; they openly state that they and their constituents believe in liberalizing and weakening the law at every opportunity. It is insisted that the law can not be enforced in certain localities because the sentiment in that locality is not favorable to the enforcement. I concede that there are certain communities where the majority of the people do not sanction any law affecting or regulating the liquor traffic.

The eighteenth amendment was passed by the Sixty-fifth Congress. That amendment was ratified by 45 out of the 48 States. The Volstead Enforcement Act was passed by the Sixty-sixth Congress, and this bill to-day will be passed by the Sixty-seventh Congress. No snap judgments have been taken. These votes, extending over a period of years, express the deliberate judgment of the American people. The strongest opposition to the enforcement of this law comes from those cities having a large foreign population; and the sooner these people learn that this is a land where majorities rule the better it will be for them and for the country. It is unthinkable that men will in these halls openly oppose the carrying into effect and enforcement of a law whose sole and only purpose is to carry out a part of our Constitution. It is not a question of whether one favors prohibition, light wine, and beer, or what not. The fact is that the Constitution prohibits the manufacture and sale of all intoxicating liquors for beverage purposes, therefore it becomes the duty of this Congress to pass appropriate enforcement statutes; and he who opposes the enactment of all enforcement laws is not true to his trust and either fails to appreciate or openly disregards his oath of office.

The legislation being considered to-day is not an innovation. Nothing really new is suggested, and the principal points covered were presumed to be covered when the original enforcement act was passed, and these proposed provisions have been enforced since the national prohibition has been enforced; and had it not been for Attorney General Palmer's opinion rendered on March 3, 1921, this legislation would not be before the Congress. The Sixty-fifth Congress never intended, in the passage of the Volstead Act, to permit the indiscriminate prescribing of beer as a medicine. The national enforcing officer interpreted the statute as intended by Congress, so that the passage of this legislation will not take away any privileges, in so far as beer is concerned, which have been enjoyed since the prohibition enforcement act took effect.

Little has been said on this floor supporting any claim that beer is necessary as a medicine. In this connection it is well to remember that the Judiciary Committee held exhaustive hearings on this matter. All interests were permitted to present their views. The only person appearing before the committee seriously advocating the use of beer as a medicine was one Dr. John P. Davin, of New York City. The reading of his testimony, found at page 58 of the hearings, will convince one of the fallacy of his arguments. Beer has never been recognized by the United States Pharmacopœial Convention as a therapeutic agent. Leading physicians everywhere throughout the land make no claim that beer is a medicine. Numerous medical State societies urge the passage of this act. Many druggists' associations favor the passage of the act. Legitimate drug stores do not want to become open saloons, legitimate physicians do not want to become barkeepers. If beer is intoxicating, then it can not be lawfully sold as a beverage and should not be prescribed for the thirsty unless it is necessary as a medicine. Proof is overwhelming that it is not necessary as a medicine, and in my opinion the manufacture of the so-called light wine and beer would not be lawful under the eighteenth amendment. If these beverages are intoxicating in fact, then they surely are prohibited, and when the "kick" is removed from beer and wine the advocates of light wine and beer have no further use for the beverage.

In this connection it is interesting to note the attitude of the great brewers of the country, as expressed by Mr. Oliver T. Remners, attorney for Anheuser-Busch. Mr. Remners appeared before the committee and read a carefully prepared statement, and among other things he said:

> As attorney for Anheuser-Busch (Inc.), of St. Louis, formerly the largest manufacturer of beer in the world, without relinquishing the principle we have always maintained, I am authorized to speak in favor of the enactment of this amendment forbidding the manufacture and sale of beer for medicinal purposes.

Again, Mr. Remners says:

> Authorization of the sale of beer for medicinal purposes under the provisions of the present enforcement act will make it absolutely impossible to enforce the prohibition laws. While we are unalterably opposed to the principles of prohibition, we insist that since the principle of prohibition has been written into the Constitution and the Statutes, the law should be enforced to the letter fearlessly, fairly, and with impartiality. It will be only by the enforcement of all the prohibition laws so stringently that everybody—rich and poor alike—will be denied the use of alcoholic liquor that the American people, after a full and fair trial, will determine in their sober, solemn second judgment whether they want to continue its operation or whether they want to amend or repeal it. It is our position that every law should be submitted to such a fair and impartial test, regardless of how that law affects our business interests.

This advocate in the brewers' interests also says:

> Thousands upon thousands of places will spring up for the handling of medicinal beer for the health, and even an army of prohibition enforcement officers would be powerless to cope with the situation.

This same authority also observes:

> If the issue before the committee was one of prohibition or anti-prohibition, we should be here to fight prohibition, because we are opposed to prohibition as a principle, but the question before you is not a question of prohibition or antiprohibition; it is a question of whether the law as it was decreed by the lawmaking authorities of the American Nation shall be fairly and honestly enforced or be trampled under foot.

After some argument in reference to the medicinal value of beer, Mr. Remners concludes:

> There is, therefore, no excuse for the sale of beer for medicinal purposes. If the patient needs alcohol, the physician can prescribe it. If he needs merely a tonic, he can get that without the alcohol. All this can be done and the dignity and security of our laws preserved.

I have quoted very liberally from Mr. Remner's statement, the same being found at pages 39 to 50 of the hearings.

Mr. Christian Fiegenspan, president of the United States Brewers' Association, says:

> In days gone by it was Private Seal that quenched your thirst, steadied your nerves after a hard day's work, built you up in periods of recuperation. Private Seal, as mellow and tasty as ever, is still at your service. Tests have shown that its tasty and body-building qualities remain unchanged.

Another brewer proclaiming that in beer containing less than one-half of 1 per cent alcohol the body-building qualities remain unchanged.

I have called particular attention to these statements because of the source from which they come. The brewers of the country would not state that beer was not necessary as a medicine if it was necessary. In 38 States of the Union prohibition laws now in force prohibit the prescribing of beer as a medicine. Not a drop of beer for medicine has been legally prescribed for over 15 months, and the good health of the people has not perceptibly declined. Under the present law physicians must procure permits in order that they may be permitted to prescribe whisky or brandy, and it is interesting to note that out of the 152,627 physicians in the United States 78 per cent have not taken out permits, thereby refusing to prescribe liquor in any form. In 24 States no physician has a permit to prescribe liquor. Four out of every five physicians in the entire country do not use liquor in medicinal practice. Why, then, should we at this late date proclaim beer as a medicine?

There has been little controversy about the other features of this bill.

One provision placed in the bill by the committee is, in my mind, of the utmost importance if this law is to be honestly enforced, and that is the provision which will tend to relieve us from the patent medicine scandal in the country. In the passage of the enforcement act it was thought that sections 4 and 5 would take care of this situation, but to the amazement of all it has been found that many patent medicines and even hair tonics, the formulas for the manufacture of which have been determined by the chemists of the Internal Revenue Department to be unfit for beverage use, are in fact fit for beverage use and are being used extensively as intoxicating beverages. Indeed, the hearings before the committee disclosed the fact that patent medicines and other preparations are being sold for beverage purposes in pool rooms and other places over the bar and by the drink. Many affidavits have been filed with the enforcement officers showing these facts. Yet these officers insist that sections 4 and 5, above referred to, do not lodge in the authorities the right to demand a change of the formulas and this makes it very difficult to bring about the cancellation of the permits permitting the manufacture of the beverages. It is true that the man who sells this class of beverage by the drink may be arrested, but the Government has no chance to make the manufacturer of these fake medicines change his formulas or cancel the permit. It is obvious that the sensible thing to do, if results are desired, is to cut off the supply. This bill provides for this very thing, and at the same time safeguards legitimate industry. I might say in this connection that I am one member of the Committee on the Judiciary who was not in sympathy with all of the provisions of H. R. 5033, the original supplemental enforcement bill introduced into the present Congress. There were provisions in that bill which were rightly objected to by legitimate industry, and be it to the credit of the committee that after careful consideration had been given to these claims, these objectionable features as soon as discovered were unanimously eliminated, and as one who comes from a dry district in a dry State—a district and a State that believe in the enforcement of the law—I have no

hesitancy in advocating the passage of this bill as presented. The eighteenth amendment is a permanent part of our basic law. The enforcement statute will never be repealed and the beneficent effects of this great moral reform will become more apparent as the days and years go by.

Mr. SUMNERS of Texas. I yield 10 minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, we have heard many sorts of argument during the last few years against the national prohibition amendment and against the Volstead law, which was enacted to provide for its enforcement; but it struck me as quite unusual when the gentleman from New York [Mr. RYAN], who addressed us a few moments ago, boasted of the fact that he and his district were in favor of its violation. I wonder whether the gentleman from New York would have the temerity to rise in his place as a Member of this House and advocate the violation and the open flaunting of any other law of the United States or any other constitutional provision of the United States. Yet I suppose he would, if honest with himself, admit that this constitutional amendment known as the eighteenth amendment is just as sacred and just as binding and of just as much force as any other, and that it was perhaps adopted more unanimously than any other amendment to the Constitution.

Mr. HILL. Will the gentleman yield?

Mr. BARKLEY. No; I do not yield; I have not the time. This amendment to the Volstead law is in the nature of emergency legislation. I doubt very seriously—though I have no right to speak with authority on the subject—whether the gentleman from New York voices the sentiment of his own district in the statement he has made, but if he does, I would remind him that his own State, only a few months ago, under the leadership of a governor of his own political party, enacted a very stringent law to provide for the enforcement of the eighteenth amendment to the Constitution. I wonder whether he would be willing to arise in the Legislature of New York and advocate the open violation of the law of the State of New York. I have very serious doubt that he would.

Now, this is in the nature of emergency legislation. Except for the decision of the Attorney General, it might be that this legislation would not be here. I have no intention of criticizing the decision of the Attorney General, because I am sure he acted in good faith. Whether his interpretation of the law was correct or incorrect, we are confronted with a serious situation, and if that interpretation is carried out, the breweries of the United States will reopen for the manufacture of intoxicating beer; and if they reopen for the manufacture of intoxicating beer, then the saloons will all reopen for the sale of intoxicating beer. This will mean the open and flagrant nullification of a part of our Constitution. Gentlemen who proclaim themselves as against the Volstead law and against the eighteenth amendment say they rejoice in the fact that the saloon has been abolished, but that, on the contrary, they are in favor of the sale of light wines and beer. There can be no such thing as the sale of light wines and beer in the United States for beverage purposes without reopening the saloons of the United States. [Applause.] Any man who expresses himself as being in favor of the promiscuous sale of light wines and beer ought to go further and be honest with himself and with us and say that he is in favor of the reopening of the saloons all over the United States. That is what he means. He can not mean anything else.

Mr. HILL. Will the gentleman yield for a question?

Mr. BARKLEY. The gentleman is so insistent that I will yield.

Mr. HILL. How about the promiscuous sale of cider all over the United States? Has that meant the reopening of the saloons?

Mr. BARKLEY. Oh, the promiscuous sale of cider is not worrying the gentleman from Maryland. It is beer that he is interested in.

Mr. HILL. Will the gentleman answer my question?

Mr. BARKLEY. I can not yield further.

Mr. HILL. But the gentleman did not answer my question.

Mr. BARKLEY. I thought I did.

Mr. HILL. I asked if the promiscuous sale of cider throughout the United States had meant the reopening of the saloons?

Mr. BARKLEY. No; because the saloons never existed for the sale of cider, and they do not exist now for the sale of cider; but, if the gentleman knows anything about human nature and about the nature of those who are now seeking to bring about the repeal of the Volstead law or its promiscuous violation, he knows that what they desire is the reopening of the saloons for the sale of beer and wine.

Mr. HILL. Does the gentleman——

Mr. BARKLEY. I do not yield any further. If the saloons are to be reopened under the law for the sale of wine and beer, there is no power under heaven that can prevent them from selling whisky.

Mr. GILBERT. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. GILBERT. The gentleman and I are both from Kentucky. Would he not rather see an old Kentucky colonel drink his 100 per cent whisky than to see a pot-bellied German drinking a keg of beer? [Laughter.]

Mr. BARKLEY. I will say to my friend and colleague from Kentucky that if I were compelled to witness either one I should prefer the Kentucky colonel. [Applause.] There is no more reason or excuse for the violation of the Constitution by the sale of beer than by the sale of whisky.

Now, it is a ridiculous situation, for nobody under heaven with even a layman's smattering of medical sense will proclaim that beer is a medicine. I have no doubt that if the Congress had known in advance that the Attorney General's office would rule that under the law beer could be prescribed as a medicine we would have provided against that in the original Volstead law. There is no sort of doubt about that. There never was a time in the history of the United States when beer was regarded as a medicine in the ordinary sense to be prescribed by a physician. The ordinary prescription that is given by a physician is carried to a drug store to be prepared and filled. Are the drug stores to be transformed into beer gardens?

Mr. SABATH. Will the gentleman yield?

Mr. BARKLEY. I have only 10 minutes, but I will yield to my genial friend from Illinois.

Mr. SABATH. The gentleman ought not to say that he never heard of any physician prescribing beer. Is it not a fact that thousands upon thousands of physicians have prescribed malt and beer for nursing mothers?

Mr. BARKLEY. Well, no; I do not think beer is recognized as a prescribable medicine for illness for mothers or others. There may be physicians who would prescribe it if their patients asked them to do so.

Mr. SABATH. There are thousands and thousands of physicians who have prescribed it.

Mr. BARKLEY. Sure. There are a few physicians who are always willing to prescribe anything that their patients want. [Laughter.]

I challenge the gentleman to find a single provision of a standard recognized medical work which says that beer is a medicine.

Mr. SABATH. Here is the gentleman from New York, a distinguished physician who addressed the House, who has 30 years' experience, who says that it is.

Mr. KINDRED. If the gentleman will yield, the American Therapeutical Association, made up of some of the most distinguished physicians in the country, protest against this measure on the ground that beer, ale, and porter are medicines.

Mr. BARKLEY. And, on the contrary, I submit that the American Medical Association, the highest recognized medical authority in the United States, proclaims against the prescription of alcohol in any form for any kind of a disease.

Mr. KINDRED. I assure the gentleman that he is mistaken in his interpretation.

Mr. BARKLEY. That was the last official act upon the subject, taken in 1917.

Mr. REAVIS. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. REAVIS. The undisputed testimony in the hearings before the Judiciary Committee from the most experienced experts agreed that nothing more harmful to mother and child could be given than beer or any other intoxicating liquor.

Mr. BARKLEY. In the medical profession among those recognized as reputable physicians the almost unanimous verdict is against prescribing alcohol in any form as medicine. But this bill and the original law permit and provide for the use of spirituous and vinous liquors as medicine.

Mr. FOSTER. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. FOSTER. The testimony taken before the committee included a telegram representing 4,500 physicians in Ohio protesting against its use as a medicine.

Mr. BARKLEY. The gentleman is correct.

Mr. COOPER of Ohio. If the gentleman will yield, I will present this for the information of the gentleman from Kentucky. I have here a protest signed by 43 physicians in one county of Pennsylvania asking Congress to do something that will prohibit them from being drafted as bartenders.

Mr. BARKLEY. I have received the same protest. There are many States of the Union which have their own laws prohibiting the prescribing of any kind of liquor as a medicine.

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

Mr. VOLSTEAD. I yield the gentleman two minutes more.

Mr. BARKLEY. Gentleman, this law ought to be passed by unanimous consent. I see my eloquent friend from New York [Mr. COCKRAN] chuckling. I wonder if the gentleman would seriously think that Congress ought to make it possible for any class of men, medical or otherwise, to violate the Constitution of the United States.

Mr. COCKRAN. Certainly not.

Mr. BARKLEY. Or that they should violate any law passed by Congress?

Mr. COCKRAN. Certainly not. Will the gentleman yield?

Mr. BARKLEY. Now, what these gentlemen seek to do is not to have beer prescribed as beer for a medicine, but what they seek to do is to make an entering wedge in the prohibition laws of the Nation so that ultimately there may be created a sentiment against its observance and in favor of its violation. [Applause.] That propaganda is going all over the country. You can not go to a moving-picture show but what you see flashed upon the screen something that seeks to make the enforcement of the prohibition law ridiculous. You can not pick up a metropolitan newspaper without seeing somewhere great headlines seeking to make the prohibition law ridiculous; seeking to create an impression that the sentiment among the people of the Nation is in favor of its violation. There is nothing more vicious, more insinuating, more undermining, than this propoganda going on from one end of the country to the other seeking to undermine the sentiment of the people in favor of the enforcement of a constitutional amendment. I predict that the propaganda will fail now as it has failed heretofore, because 45 States of the Union which have ratified the amendment, and more than two-thirds of the Representatives of the people, who are in favor of it, will be here for years to come to see that it is enforced and strengthened wherever it may be needed to be enforced and strengthened. [Applause.] Congress can not ignore the will of the American people, Congress will not lend its influence or encouragement to the propaganda of lawlessness which certain interests are engaged in fostering. The people have spoken on this subject. Their will is supreme. They have placed this amendment in the Constitution of their country, and the sooner certain small portions of the country understand that the people of the Nation as a whole demand its enforcement, the better it will be for them and for the Nation at large. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Speaker and gentlemen of the House, I regret exceedingly that the limitation necessarily placed on my time by the chairman of the committee will not give me an opportunity to say what I would like to say with reference to the pending measure. The bill being considered is, of course, of very great interest not only to the membership of the House but to the Nation at large. But I am forced to utilize the few minutes granted me, not to speak particularly of the legislation, but of the history of this legislation, which I think discloses a centralization of power menacing not alone to the functioning of the House, but a menace to the legislative needs of the people.

It is to be regretted that any man on the floor of Congress will boast of representing a people who are in favor of the violation of the law founded upon the constitutional amendment, as did the gentleman from New York. [Applause.] There was a time in this Nation when everybody looked upon law enforcement entrusted to the Federal Government as so drastic that nobody could escape its penalties. In my judgment, the lax enforcement of the prohibition law, especially among the foreign elements of America, has done more to bring discredit upon the Government of the United States than anything that has occurred in recent years. [Applause.] And in the face of that sentiment we have had one of the high officers of this Nation, the chief law officer of the Nation, if you please, make a disguised attempt to defeat the purposes of the people of the United States as expressed in the eighteenth amendment by a beer provision with reference to medicine that makes a farce out of the Constitution and a farce out of its enforcement. [Applause.]

The Committee on the Judiciary sought to protect that in answer to demands from all over the Nation by removing the weaknesses of the original Volstead Act, as disclosed by experience, by additional legislation. Even though I am a member of that committee, I think I may be pardoned for saying that the Judiciary Committee is one of the great committees of this House. Its personnel will compare favorably with the personnel of any other committee of the House. It comprehends such men as the distinguished chairman, Mr. VOLSTEAD, the gentleman from Pennsylvania [Mr. GRAHAM], the gentleman from Massachusetts [Mr. WALSH], the gentleman from Ohio [Mr. FOSTER], the gentleman from Arkansas [Mr. TILLMAN], the gentleman from Texas [Mr. SUMNERS], the gentleman from Virginia [Gov. MONTAGUE], and other men of like experience and like ability. That committee in response to a Nation-wide demand, in the intolerable heat of a committee room, sat for three weeks, calling men and women from all parts of the Nation to gather views as to the necessity for additional enforcement legislation.

After hearing testimony for three weeks these gentlemen of poise, of ability, and legislative experience went over the legislation and reported to this House a bill. You all know that under the peculiar conditions of the rules of this House to attempt to get through a controversial piece of legislation such as a prohibitory law on Calendar Wednesday would prove abortive. You have only two Wednesdays before you must surrender the right under the rules of Calendar Wednesday, until a new call may be had. Gentlemen are all familiar with the fact that by filibuster it would have been impossible to consider that bill on the floor of the House effectively under any of the regular rules of this House. Consequently, the chairman of the committee [Mr. VOLSTEAD] appealed to the Rules Committee for a special rule, and what I say I say in all kindness, and there is nothing personal about it; but in my judgment the centralization of power in the Rules Committee is a menace to legislation in this body. The Rules Committee started hearings. On what? To find out whether there was a demand for the legislation? Oh, no; not that. To ascertain whether or not the legislation would meet the situation and whether the legislative condition of the House would permit it, in fact, to have the bill considered? Not that. The Rules Committee started on a little hearing of its own on a bill that had been reported after three weeks of hearings from one of the great committees of this House, to determine what? Whether the legislation was meritorious, whether the legislation should be passed by this House, whether the committee from which the legislation emanated was trustworthy, and they decided what? The individual members of the Committee on Rules decided that they were not in favor of the legislation, and, therefore, they stifled it. Mr. Speaker, there are many men on the floor of this House who were not in favor of that legislation, but few who oppose it would have the blatant egotism to declare that because they are opposed to it, therefore the House of Representatives has no power to hear it. [Applause.] The question of whether this bill should be enacted into law is the function of this House; it is not the function of the Rules Committee; and I say to you that it is a menace to a Republic when a half dozen men can sit as censors over the bills reported by great committees of this House and, if they do not approve them, determine that the House shall never have the opportunity of even considering the legislation. Mr. Speaker, there was a time in this country when we had what we called Cannonism, a time when there was a revolt all over the Nation because of the centralization of power in the hands of one man. So far as any controversial legislation is concerned that may come before this House, the only difference between that day and this is that the power now is in the hands of about six men, who assume to usurp the functions of this House.

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

Mr. REAVIS. Yes.

Mr. BLANTON. Is it not also the autocracy of the Committee on Rules that forces this bill before the House under a suspension of the rules, requiring a two-thirds vote instead of a majority vote?

Mr. REAVIS. Oh, that follows as the practical operation of one of the evils; but here is the proposition: The Rules Committee not only told the great Judiciary Committee what it could not do but it told that committee what it could do, and after censoring the bill that this committee after three weeks' hearing reported to this House, which the Rules Committee decided the House should not have a chance to consider, the chairman of the Committee on Rules introduced his own bill containing a section or two of the original bill and notified the Committee on the Judiciary that they might consider or report that out. Let me repeat that what I say I say in all kindness and that there is nothing personal in this from my standpoint. The distinguished gentleman from New York [Mr. COCKRAN] the other day very correctly stated that the functioning of the Rules Committee and the character of rules that have been brought on the floor of this House made the House innocuous. In this in-

stance it makes one of your great committees absolutely puerile. It is unsafe and unwise that the power to stifle legislation should be reposed in a half dozen out of 435 legislators. [Applause.]

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

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

Mr. GRIFFIN. Mr. Speaker, some of the gentlemen have laid stress upon a comment that was made here to-day with respect to the attitude of the people of my State upon this bill and on prohibition generally. I shall not go into the matter except to say that the people of New York State can be relied upon to respect the law. Any statute which is passed by this House and approved in regular order will receive at least the respect, even though it may not receive the approval, of the people of New York.

It is only fair, however, to say that prohibition is not, and never will be, popular in the Empire State. Its population, particularly that of the great metropolis, like that of all great industrial and commercial centers, is made up of many racial strains.

DIETARY CUSTOMS.

The foreign population and their descendants in our large cities have become used to certain dietary customs. The Latin elements, for instance, have become accustomed to light wines, which, as is universally known, they use with moderation as a part of their meals instead of tea or coffee.

The Teutons use beer in similar manner. Those from the British Isles have a predilection for ales and porters. In the opinion of these people these lighter stimulants are useful and beneficial adjuncts to diet. Native Americans, too, have gradually adopted these beverages and have come to look upon them as essential. To take these lighter beverages away by the power of the State is little short of a national calamity. It has made the American workman sullen and discontented. It has made the foreign-born citizen rebellious. We hear much to-day of propaganda to Americanize our adopted citizens. I know of nothing which has contributed more to make the foreign-born unsympathetic to our institutions than this prohibition legislation. To take from him a personal liberty which he and his forebears enjoyed, even under the most tyrannical of monarchies, seems to his mind incongruous and incomprehensible in a land which he has always been taught to believe was the land of the free.

THE POOR MAN'S BEVERAGE.

It was once a common sight to see the laborer stop his work at the noon hour, send for his can of beer, and, sitting on scaffolding or bare sidewalk, drink the humble beverage as a part of his midday meal. When his frugal repast was over he would return to his pick and shovel, his hammer and saw, with renewed strength and vigor. At night, when his work was done, he would have his beer at his evening meal in the midst of his family. It was not the laboring man who patronized the licentious cabaret or the all-night road house, where strong liquor debased men and ruined women. If drink conquered, it was in such places and in the homes of wealth and fashion.

There is a very old verse which runs as follows:

The rich man has his cellar
And ready butler by him;
The poor must steer for his pint of beer
Where a saint can't choose but spy him.
The rich man's curtained windows
Hide the concerts of the quality;
The poor must share a cracked fiddle in the air,
Which offends all sound morality.

If any workingman fell from grace, you may rest assured it was not through beer.

WHISKY DRINKING ENCOURAGED BY PROHIBITION.

Where light stimulants are used whisky drinking never flourishes. To-day whisky drinking has become a public scandal. Young men and young women who never before thought of whisky now drink it openly. To-day they open a bottle of whisky costing $10 or $12 as a matter of bravado, as would-be sports used to open up champagne at $5 a bottle.

The ardor of alcoholic appetite is a factor in enhancing the price of strong drink and tempts the commercial instinct of men to pursue an enterprise which promises large profits. The reformers played right into the hands of the forces they aimed to circumvent. If they had let beer and wine alone and struck at whisky and the saloon, at which the bulk of the people of this land thought they were aiming, there would be no such thing to-day as the prohibition question. The saloons are still open, doing a more flourishing business than ever before. They are getting more for their whisky than their predecessors used to get for high-priced French wines. And who supports these so-called brothels of iniquity? Why, the workingman, whose beer was taken away for his moral uplift and improvement.

THE PHYSICIAN AND BEER.

Now, under the terms of this latest bill it is proposed to deny the use of beer as an aid to medicine. It is proposed to deny to physicians the right to prescribe beer in the treatment of their patients. I will very readily believe that the doctors do not want the right to prescribe beers. I will very readily believe that the druggists do not desire to keep beers as a part of their medicinal supplies. But all of that, of which so much has been made here to-day, is beside the point. Beer is not a medicine and no one can reasonably say that it is. Doctors usually prescribe it as an aid to diet—in the same sense as they order their patients to drink water, milk, take exercise, or avoid the use of certain meats and vegetables. Even Dr. Harvey W. Wiley is dragooned to join the chorus of sophistry. He said very solemnly at one of the hearings (May 20-21, p. 296):

I have never seen a prescription written by a physician which included beer as one of its elements.

Of course he did not, and no one else did, either. Neither did he see a prescription which prescribed milk "as one of its elements" for the very good reason that such beverages come under the head of general dietary instructions given to the patient orally and not in writing. So all the hubbub about whether or not beer is a medicine is only a straw man put up to be knocked down.

The real point in the controversy is how men can become so narrow and short sighted as to meddle at all with a profession so sacred as that of the physician's and undertake to dictate to him what he shall or shall not recommend for the alleviation of human suffering. There lies the outrage against common sense and liberty. We have allowed, and will continue to allow, the physician to prescribe morphine, cocaine, heroin, arsenic, strychnine, and other deadly drugs. Under this latest effusion of fanaticism—the bill before us—the physician is left carte blanche to deal out the deadliest drugs in the pharmacopœia, but—consistency, thou art truly a jewel—he must not recommend his patient to take a glass of beer or porter!

THE FORCE OF PUBLIC OPINION.

At the hearing on this bill Mr. Wayne B. Wheeler, the general counsel and "legislative superintendent"—yes, that is his title; he superintends legislation in this Congress—well, he said to the committee:

Recently I was in Maine, the first State that adopted prohibition, and there met the sheriff and the officers, and they were making their request of that legislature, after 60 years' experience, for new legislation to meet the devices and schemes that had been worked out by the liquor interests to evade the law there.

There, sirs, what better evidence can you have than that to show the utter futility of attempting to thwart men's appetites? Before you can devise a workable enforcement measure you must first reconstruct human nature. Mr. Wheeler is receiving a munificent salary for his zeal. He will be back here next year and possibly for many years to come demanding further supplemental amendments to the Volstead Act, and in the meantime his salary will go on and on. Verily it pays to be a reformer.

The fact is that the American people will never become reconciled to the eighteenth amendment. It was foisted on them while 4,000,000 of our voting population were in arms preoccupied in the defense of our flag. It was represented as only intended to abolish the saloons, and that it was directed chiefly against strong drink. The amendment, as submitted to Congress and to the legislatures of the respective States, gave no intimation as to what alcoholic content would debar a beverage from sale and consumption, and it was never believed that Congress would pass or that the Supreme Court of the United States would ever sustain a measure so utterly unreasonable as the Volstead Enforcement Act.

Why complain now about its enforcement? Its very rigor invites evasion and corruption.

The truth of the matter is that no law can ever be enforced that has not the general concurrence of public opinion. The ancient legislators recognized that as a basic fact. Before legislative bodies existed or statutes were enacted custom was the law, and according to a strict jurisprudence no law should be enacted that has not the sanction of custom.

SUMPTUARY LEGISLATION.

According to Bentham, obedience to law is founded on fear. That seems to be the notion which the prohibitionists have adopted. It may work out all right in dealing with crimes prompted by vicious or debased natures, but it is a poor restraint indeed in reference to artificial crimes, not involving moral turpitude, invented by intolerance. It was a crime at one time

in England for a laborer to wear the vest or sack coat of a squire or titled gentleman. That was when the intolerable sumptuary laws prescribed the clothing a man should or should not wear. Such laws were, no doubt, obeyed; but were they respected? Now comes intolerance again in new guise and foists upon us sumptuary laws telling us what we should or should not drink.

OUR WEAKER BROTHER.

The eighteenth amendment punishes the innocent instead of the guilty. To protect the sot, it deprives the toiler, the aged and the infirm, and the temperate self-respecting citizen of a form of refreshment to which their whole lives have become attuned.

Why so much solicitude about the weaker brother? If he has an appetite for drink it is no worse than the lust of the flesh and has caused, beyond comparison, less misery, less disgrace, and less dishonor. The divorce evil is a thousand times worse. The drink habit kills its victim. So does lust. The drink addict may be odious, but what more loathsome, and yet pitiable, than the man upon whom syphilis has set its death mark? The drunkard humiliates his family, but the libertine disgraces them. Why then select this one vice as the subject of legislation and let other vices run rampant?

It is argued by criminologists that all crime is a form of weakness. Yet that deduction does not prompt them to remove all restraint or punishment. Legislators have written down drunkenness as a crime, and so it is—a filthy crime, degrading to the offender and the source of untold suffering and misery to innocent women and children. Yet such has been the neglect of our moral teaching that it has been treated with strange indulgence. The surest way to provoke a laugh in the vaudeville or in the movies, even to-day, is to display the antics of a maudlin drunkard. Consequently, young men, in bravado, to provoke the admiration of their chums, will boast of their drinking bouts. The evil therefore is and has been in the moral attitude of society and in the neglect to enforce the laws already in existence against this insidious and degrading vice.

PUNISHING THE THING INSTEAD OF THE PERSON.

It is a poor plan to punish the thing instead of the person. Formerly if a bull gored a man it was put to death and its flesh could not be eaten. The modern reactionary has come back to the old philosophy, which paraphrased must read, "If whisky hurts, it shall be destroyed." The modern philosophy is that the thing is innocent of guilt; the man who misuses it is the real offender; and if he is so weak that he can not be trusted he should be put under restraint.

But our friends on the other side retort, "The thing itself is bad." That, I think, they must admit is purely a matter of opinion. The hearings on this bill contain a mass of medical authorities purporting to show that alcohol is injurious to the human system. It is obvious, however, that pains were taken to use only the witnesses favorable to their contention. I will print here, under the leave extended, the opinions of medical men of the highest authority holding the view that alcoholic stimulants are wholesome and beneficial:

MEDICAL OPINIONS FAVORABLE TO ALCOHOL.

Sir William Osler, formerly of Oxford University: "In moderation wine, beer, and spirits may be taken throughout a long life without impairing the general health. I should be sorry to give up the use of alcohol in the severer forms of enteric fever."

Dr. William Edward Fitch, of the Vanderbilt Clinic: "It is the opinion of careful students of the subject that the moderate use of alcohol in health is harmless. It undoubtedly has a place in disease. There are reasons for believing that alcohol actually increases the resisting powers of the body to the poisonous toxins of septic fever."

Dr. Charles Gilmore Kerley, of the New York Polyclinic School and Hospital: "Alcohol is occasionally of great service in diseases of children. Under certain conditions it answers better than any other means of stimulation."

Dr. L. Emmett Holt, of the College of Physicians and Surgeons, New York: "With many nursing women the use of malted liquors—ale, beer, etc.—increases the quantity of milk and the proportion of fat. There is little doubt that alcohol is at times of much benefit."

Dr. George F. Still, of Kings' College, London: "The value of alcohol in the early stage of severe diarrhea, when there is extreme exhaustion and collapse, is, I think, quite undeniable. I think an unbiased observer must admit that brandy is sometimes very valuable in a bad case of pneumonia."

Dr. Chalmers Watson, of the Royal Infirmary, Edinburg: "There is no question of the undoubted value of alcohol in the treatment of certain diseases, especially in their critical stages."

Dr. Robert Hutchinson, of the London Hospital: "Alcohol certainly spares fat and sometimes carbohydrates and yields heat and energy to the body. Of this fact there no longer is any doubt, and it at once entitles alcohol to rank as a food. Wine used in moderation seems to add to the agreeableness of life, and whatever adds to the agreeableness of life adds to its resources and power."

Dr. William Tibbles, of the Royal Institute of Public Health, London: "Alcohol is primarily an appetizer. Convalescent, debilitated, or aged persons frequently eat more food when it is accompanied by a glass of beer, wine, or diluted spirits. The value of such a beverage to those who need it is admitted by most scientific men. Alcohol is a rapid and trustworthy restorative. In many cases it is truly life preserving owing to its power to sustain cardiac and nervous energy."

Dr. Hobart Amory Hare, of the University of Pennsylvania: "Clinical experience too great to be ignored stands for the continued use of alcohol. The chief uses of the drug are as a rapidly acting equalizer of the circulation and as a systematic support in low fevers and prolonged wasting diseases, in old age, and in convalescence from acute diseases."

Dr. A. A. Brill, of the University of New York: "Alcohol has an undisputed place in the human physiological and psychological economy."

Dr. Charles E. de M. Sajous, of Temple University, Pennsylvania: "Malt liquors—ale, stout, and beer—contain diastase, which aids the digestion of starchy foods. They are especially tonic in effect."

Dr. George F. Butler, of the Chicago College of Medicine and Surgery: "Atonic dyspepsia and weakened digestion are generally benefited by some form of alcohol. As a pure cardiac stimulant alcohol is remarkably serviceable. In certain stages of various acute diseases alcohol is one of the most potent and useful remedies."

Dr. Paul Bartholow, of the Jefferson Medical College: "Beer, ale, and porter are much and justly esteemed as stomachic tonics and restoratives in chronic, wasting diseases. Alcohol is an important remedy in the various forms of pulmonary phthisis. In convalescence from acute diseases there can be no difference of opinion as to the great value of wine as a restorative."

Dr. Samuel O. L. Potter, of the Cooper Medical College, San Francisco: "In anemia and chlorosis good red wines are almost indispensable. It is an absolute necessity in the treatment of lobar pneumonia. In fevers alcohol is often most serviceable. Some physicians agree with Mr. Lawson Tait, who declared himself fully persuaded, after 30 years of life as hard in work and as full of responsibility as well could be, that the moderate use of alcohol is a necessity in our modern life."

Dr. John V. Shoemaker, of the Medico-Chirurgical College of Philadelphia: "Alcohol is in some measure antidotal to the poison of the bacillus tuberculosis, and it is to this fact that its unquestionable value in prolonging life in phthisis is due."

Dr. John H. Musser, of the University of Pennsylvania: "There is, I think, no rational doubt that small doses of alcohol are at times useful with those that are out of health, for their stimulating effect upon the appetite and upon digestion, and occasionally for their effect upon other functions. When solid food can not be taken alcohol is our sheet anchor."

Dr. W. Gilman Thompson, of Cornell University: "There are a number of diseases in which the temporary use of alcohol is of positive service, and there are a number of cases in which it is a positive necessity in order to prolong life. Whatever controversy still exists over the physiological effects of alcohol as a food, it is undeniable that in some cases of disease it is clinically indispensable. The value of alcohol in the treatment of fevers is now universally recognized."

Dr. Robert Hutchinson, of the London Hospital: "'Rough cider'—that is, the completely fermented apple juice—taken in moderation, agrees well with most gouty subjects. The bottled or 'champagne' cider, which is imperfectly fermented, should never be used, owing to its undoubted liability to set up intestinal fermentation. Alcohol is the best possible hypnotic in many cases of chronic, psychic insomnia."

Dr. Binford Throne, writing in Forschheimer's Therapeusis: "All cases of diphtheria have more or less myocarditis, and all should be given stimulants from the first. The best is good whisky or brandy."

Henry L. Elsner, of Syracuse University: "In pneumonia—the experienced know that there are cases in which it is absolutely indicated."

Dr. William H. Smith, of Harvard University: "Influenza: When extension into the lung occurs, supporting measures must be pushed. Alcohol in some form should be given freely."

J. P. Crozier Griffith, of the University of Pennsylvania: "In scarlet fever with cardiac weakness alcohol in some form is one of the most rapid and satisfactory stimulants."

Dr. Julius Grinker, of the Northwestern University Medical School, Chicago: "For the obstinate sleeplessness of chronic cerebral anemia nothing equals in efficacy the imbibition of a night draft, consisting of either a glass of beer, wine, or even whisky in small quantities."

John Ruhrah, of the College of Physicians and Surgeons, Baltimore: "In severe cases of smallpox alcohol may be added to the dietary with great advantage."

Dr. Herbert Maxon King, of the Loomis Sanitarium for Tuberculosis, New York: "Small doses of alcohol in the form of wine, beer, or ale with meals will often stimulate a flagging appetite and enable the patient to consume a normal amount of food. When the carbohydrate content of the diet can not be brought up to the desired quantity, the addition of a little wine or beer to the diet may be of distinct advantage. As a stomachic in cases of hypoacidity, loss of appetite, and consequent impairment of digestion, the lighter wines and malt liquors may be prescribed to advantage."

Dr. Frederick C. Shattuck, of Harvard University: "In typhoid fever.—If heart shows signs of undue weakness, I consider it a grave error in judgment to withhold alcohol. The danger of forming the alcohol habit is practically nil in the subjects of acute general infection. They are more likely to acquire a distaste than a liking for it."

Dr. Daniel M. Hoyte, formerly of the University of Pennsylvania: "Alcohol has long been used to abort a cold. The patient takes a hot bath and after getting into bed drinks a hot lemonade containing one or two ounces of whisky. This produces diaphoresis and aids in the elimination of the toxins."

So, after all, it is only a matter of opinion. The error that is made is to select either one as the basis of a constitutional amendment.

WRONG TO ENGRAFT A MOOT POINT INTO LAW.

One side looks at the use, the other at the abuse. Both are right and might continue to hold their respective views and live together in peace and amity if they were content to leave it as a matter of opinion. The evil of the situation is that one side has succeeded in projecting its opinion into our Constitution as a part of the organic law of the country. That, I believe, is fundamentally wrong and in violation of the basic traditions of free government.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. GRIFFIN. The gentleman will pardon me, but I have not the time. We have put into the Constitution of the United States the opinion that stimulants should not be used as a bev-

erage, and we have followed it up with the enactment of criminal laws for enforcement of that opinion. This is the first time in our history that our Constitution has been amended so as to limit and curtail human rights. It is the first constitutional amendment which restrains personal liberty.

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

Mr. GRIFFIN. No; I can not yield. Every other amendment to our Constitution, dealing with abstract principles, has since the foundation of this Government been directed toward the enlargement of human rights or the protection of individual liberty. They have all tended toward the protection of life, liberty, and the pursuit of happiness. This eighteenth amendment stands out alone as the only provision of our organic law in restraint of individual freedom.

Therein lies the evil of legislative meddling with moral issues. Its inevitable tendency is to coerce the minority. We have no right to enact our own moral code into the civil law for the government of all.

The best protection for our posterity will be found in the complete severance of personal morals from the domain of legislation. If we fail in this we establish a precedent for our successors to follow when the pendulum of public opinion swings the other way.

Thomas Jefferson, in a letter to Francis W. Gilmer, said:

Our legislators are not sufficiently apprised of the rightful limits of their power; that their office is to declare and enforce only our natural rights and duties, and to take none of them from us. No man has a right to commit an aggression on the equal rights of another, and this is all from which the laws ought to restrain him. (Works of Thomas Jefferson, vol. 7, p. 3.)

PROHIBITION AND MORALS.

The difficulty with prohibition is that it is not a political question; it is not even an economic question, but is fundamentally a moral question, and does not yield to reason.

Morality does not submit to inexorable formulas. It is doomed to lie forever in the shadowy borderland of argument. Its usual solvent is time and place. No fallible human being can say with absolute certainty that a certain course of conduct is ethically right or wrong. All that he knows is that if he agrees with the majority, he may live in peace. If he does not, he is sniffed at or perhaps sent to jail.

It has been said that morality is a relative term, and, when we take a broad view of the human race and consider its divergence of origin and the variety of its ethnic strains, we are bound to admit that there is much truth in that contention. The Turk, sometimes called the unspeakable Turk, deems it highly immoral to take a glass of wine, but considers the polygamous use of women as blessed in the sight of the Almighty. The Turk grafted his morality into the law—even as the antisaloon men have grafted their morality into American law.

THE LAW AND MORALS.

In ancient times, and among primitive peoples, law and religion were one. The law was a part of religion. That was when there was only one religion—the established religion. To-day, there being no established religion, the same forces of intolerance are seeking, indirectly, to engraft the teachings of their religion into the law. There is no difference in principle—the only difference is in the method. Truth is the basic doctrine in all religions and it is well to teach it. It has never, however, in a republic been deemed wise or just to enact the bare doctrine into law. It was soon seen that the legislator would first have to answer the eternal question: "What is truth?" The furthest he could dare go was to make a law punishing any infraction of the moral law which resulted in injury to others. So with temperance. Laws are justly made to punish drunkenness; but it is a novel doctrine in a republic that legislatures may curtail free will and punish an appetite independent of whether or not its exercise has injured the rights of others.

USE OF DRINK AND THE BIBLE.

But is the use of wines and liquors immoral from the Christian standpoint? In this Nation both Jew and Gentile alike take their religion from the Bible. Examining that venerable source of our religion, it will be found in Deuteronomy, chapter 14, verse 26, that the Israelites are told:

And thou shalt bestow that money for whatsoever thy soul lusteth after, for oxen, or for sheep, or for wine, or for strong drink, or for whatsoever thy soul desireth: and thou shalt eat there before the Lord thy God, and thou shalt rejoice, thou, and thine household.

And you will observe that they are told to take their glass of wine or strong drink in the presence of the Lord their God, and not in a cellar or dark corner. Nothing shamefaced about that; but in the open and in the presence of the Lord. And to make the crime worse, they are even told to rejoice, "both they and their household." Think how it must shock the good people who are so deeply concerned for the moral welfare of this Nation when they take up the Bible and find in it such shameless admonitions.

In the second book of Samuel, chapter 16, verse 2, we are told that when King David asked the reason for the gift to him of a bottle of wine Ziba replied:

And the wine, that such as be faint in the wilderness may drink.

To-day a good citizen, if he were faint in the wilderness, would, of course, dash the bottle of wine upon a rock and refresh himself with a long lingering whiff of smelling salts!

But, of course, there is a possibility that our pious friends may reject the testimony of the Old Testament as being the guide of a pagan people in rough and uncouth times, when the chemist's art had not progressed to that supercivilized state where spirits of ammonia and synthetic substitutes for wines and other refreshments were procurable.

What, however, have they to say to the miracle performed by the Founder of the Christian religion, as told in John, chapter 2, verses 1 to 11? At that time there was a marriage in Cana of Galilee and Jesus was invited. And the wine failing, he turned six water pots of water into wine. And such good wine it was that the chief steward remarked to the bridegroom:

Every man at the beginning doth set forth good wine; and when men have well drunk, then that which is worse: but thou hast kept the good wine until now.

Imagine Christ coming back to earth and attempting such a feat as that to-day. He would be apprehended by an enforcement officer, thrown into prison, tried for manufacturing an alcoholic beverage in defiance of law, and the wine thus miraculously made would be indignantly and ruthlessly thrown into the sewer.

Where, then, is the religious sanction or authority for this movement against stimulating beverages? It has no sanction in the Bible, and the only religion in harmony with the prohibition movement is, as I said before, the religion of the Turks—the religion of Islam. Is it not rather anomalous, to say the least, that the viewpoint of the founder of Christianity should be rejected in favor of that of Mohammed?

Truly, it reminds us of the words of Abraham, quoted in Luke, chapter 16, verse 31:

If they hear not Moses and the prophets, neither will they be persuaded, though one rose from the dead

RELIGIOUS ASPECT OF PROHIBITION.

And yet, strange to say, this prohibition movement has a religious environment and stimulus. Bishop James Cannon, jr., in advocating this bill before the Judiciary Committee, said, on page 24 of the hearings, that although a member of it he did not appear in the name of the Anti-Saloon League, but "as representing the Methodist Episcopal Church South, the third largest Protestant denomination in this country."

William B. Anderson stated before the same committee on the same occasion (p. 26) that he spoke for upward of 4,000 churches in the State of New York that are supporting the Anti-Saloon League.

Mr. R. L. Davis, superintendent of the North Carolina Anti-Saloon League, appeared also as the secretary of the Board of Temperance and Social Service of the North Carolina Conference of the Methodist Episcopal Church South (p. 36).

Mr. Charles Scanlon appeared as the secretary of the Board of Temperance of the Presbyterian Church in the United States.

Mr. Deets Pickett appeared as the representative of the Board of Temperance Prohibition and Public Morals of the Methodist Episcopal Church (p. 191).

Mr. S. E. Nicholson appeared as chairman of the Board of Prohibition of the Friends or Quakers (p. 311).

A perusal of the testimony of some of these gentlemen before the Judiciary Committee, which reports this bill, is interesting and illuminating, showing, as it will, the tendency to microscopic concentration and utter lack of broad humanity which animates the sponsors of the prohibition movement.

For instance, Mr. R. L. Davis gloats over the fact that in his State—North Carolina—they have ceased "weaning them off" gradually, but have gone after violations of the law in a different manner, namely:

There has been destroyed by officers, or killed by officers in the enforcement of the law, four blockaders and one faithful man, a policeman.

In other words, five killed in one raid. He admits that there are at least 115 illicit distilleries in his State (p. 38). If raids on all of these are to be accomplished with the same loss of life there will be a casualty list of 575—a pretty sacrifice, indeed, to enforce an absurd law. With this gentle crusader obviously "it is easier for heaven and earth to pass than one tittle of the law to fail."

Mr. Deets Pickett thinks the foreign element in our population are going to "recast their ideas" on the enforcement question (p. 192).

Mr. Samuel Wilson, assistant superintendent of the Anti-Saloon League of New Jersey, says (p. 292):

New Jersey, being a common-law State, we do not have to bother with juries, and the judges are sending them to jail, and we feel very much encouraged.

What a sweet disposition this good man must have to be so delighted and encouraged by the sending of his fellow men to jail!

Mr. S. E. Nicholson, of the good Quakers, in arguing to bring the Philippines under the baleful and petrifying influence of prohibition, says (p. 318) that because there is sentiment against the prohibition amendment he is sure that that trifling circumstance ought not to interfere with the imposition of the law upon them.

Mr. Charles Scanlon asked, "in the name of" the Presbyterian denomination, "that we have sufficient guaranty that the law is obeyed and whatever inconvenience or expense that may be suffered be endured" (p. 85).

From this we derive the clear and definite conclusion that with the religious zealot engaged in a reform crusade nothing counts but the end to be achieved. In other words, the end justifies the means. No matter about the expense or personal loss to the victims; no matter about the loss of lives, they die in a good cause, so they think. No matter about the Constitution—the preservation of trial by jury, and other little things like that for which our forefathers died. No matter about the ethnic origin of others—all must bend, all must give way before the onslaught of one perfervid, all-absorbing idea, namely, the forcing of conformity of opinion upon the human race.

THE SALOON AND THE CHURCH.

It must be conceded that in the beginning the basic impulse was laudable. Good men saw the evil influence of the saloon growing throughout the land threatening American ideals. They directed their attack at first at that evil, and many persons of liberal views and temperate habits joined heartily with them. Manufacturers and large employers of labor, familiar with the factor of drunkenness as a drawback to efficiency, willingly lent their cooperation. But in its inception nowhere was there visible the slightest intent to attack anything but the abuse of drink by controlling its use.

Avenues of financial support soon opened up leading to the coffers of great interests, and, with vast wealth at their disposal, the paid publicity men, whose interest it was to keep up the agitation, enlarged the original temperance movement into a prohibition campaign, giving it at last the aspect of a religious crusade. They were enabled to gain headway by the arrogance and shortsightedness of the brewing and liquor interests, who, by their own folly, drove their adversaries into an impregnable position. If the liquor interests had consented to the elimination of the saloon in the beginning, they would not have had to suffer ultimately the utter destruction of their industry and brought down on the American people a form of sumptuary legislation which is offensive to every principle of free government. The saloon, as a political factor, was indefensible; but, if the saloon in the past became a factor in politics, its purpose was so transparent as to invite its own destruction. The growth of the church influence in politics is even more to be deplored because its methods are insidious. It has no concern for fundamental principles of liberty.

I am not decrying religion or religious crusaders. As individuals they are willing to admit the fallibility of human judgment, but in the mass they are usually intolerant of minorities. As individuals they are kindly, gentle, and humane. But in the mass, when aroused by what they think is moral righteousness, they are prone to usurp the wrath of the Almighty.

ARE WE DRIFTING BACK INTO THEOCRACY?

Civil lawyers have invented a phrase to justify the State's invasion of individual liberty. They call it "the police power of the State." Under this the State officers invade your home and tell you what kind of plumbing you ought to use or how your walls should be papered. Churchmen have invented a similar slogan, "The moral power of the State," and under it they purpose to invade your home and tell you what you shall drink at your table.

In the colonial history of this country it will be found that our good ancestors thought that in the exercise of the moral power of the State they had the right to compel the individual to go to church on the Sabbath. In Virginia the statute provided that the third offense in failing to attend divine service on the Sabbath should be punishable by death. In Massachusetts and in Connecticut "presumptuous Sunday desecration," or breaking the Sabbath, was also punishable by death. Even in tolerant Maryland, which led the way in the New World to toleration of all Christian creeds, blasphemy was punishable by "death without benefit of clergy." In all of the Thirteen Colonies lashes and public exposure in the stocks were the fate of those who offended against the statutes which religion had injected into the legislation of the Commonwealths.

It is to the everlasting credit of Roger Williams that he rebelled against the exercise of such restraint upon the individual conscience. For his manly stand in defense of human liberty he was driven out of the colony of Massachusetts in the dead of winter and compelled to throw himself on the mercy of the savage but sympathetic red men of the wilderness. With a few followers, in 1636, he founded the colony of Rhode Island, at Providence Plantations, where he dedicated, as the foundation stone of the new government, the lofty, imperishable principle "that conscience was by nature free, and that it was the duty of human society to preserve intact that freedom whereof the least violation was invariably the first step to soul bondage."

This would seem to be only the enunciation of a self-evident proposition; yet old errors die so slowly that it took over two centuries of growth of American public opinion to eradicate from our State laws those medieval statutes which enchained the human conscience.

To-day we are witnessing a renewal of that old spirit of interference with individual conscience, and the inquiry is truly pertinent: "Are we drifting back into theocracy?"

The eighteenth amendment is a violation of the right of individual freedom of opinion. It brings discredit on our glorious Constitution, which up to this hour has been held holy as the sacred repository of human liberty. The sooner this amendment is repealed the better will it be for America and humanity.

MAJORITIES NOT ALWAYS RIGHT.

It is said that prohibition was passed by a large majority and approved by 45 of the States. True, but in violation of the fundamental principles of free government. A majority does not make it right. There is no sanctity about majorities. Majorities sustained the Suttee of India; sustained human slavery; sustained the crucifixion of the founder of Christianity upon the cross 2,000 years ago; sustained the inquisition in Spain; sustained the law of primogeniture in England, and has upheld dueling and scores of customs which a kindlier and more enlightened age has completely rejected and abandoned as barbarous and unjust.

It is no new thought to say that majorities can not make things right which are fundamentally wrong nor make things wrong which are fundamentally right. The whole issue lies in the free arena of controversy. Whatever our own individual opinion may be, we have not the right to embed that opinion in our Constitution and then make laws putting those who think differently in the class of potential offenders, by making certain acts criminal which, wherever free men live, in all the history of the world have been recognized as perfectly lawful. [Applause.]

Mr. CLASSON. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, I am conscious that nothing can be said on this subject in five minutes which would impress the Members of this House. It is a very big subject. My own belief is that it may turn out that the best way to secure a repeal of any law is to enforce it. This is a hard law to enforce. Its difficulty now lies in the fact that was indicated to me by a plain inspector of customs on the dock in New York who said, "I do not know what we are going to do in this country about the obligation of an oath, because people who come into this country seem to think it is perfectly right to swear falsely about having liquor in their possession who would not swear falsely about other matters, and as a result the whole customs law is upset." In Maine in the old days, when they had had 40 years of prohibition, I saw whisky sold over the soda-water counter in Portland, Me., in soda-water glasses. They have had prohibition in Georgia for some 10 or 15 years, and a member of a college society who went through that State on the way to Cuba spoke of their celebration there in a city where the chief of police was present, and yet there were wines flowing and the chief himself was so intoxicated that he gave his cap to one of the attendants of those boys who took it down to Cuba.

Mr. HERSEY. Will the gentleman yield?

Mr. PARKER of New Jersey. I can not yield to the gentleman, I have only five minutes.

I want to help make a law that can and will be enforced. Now, I will say, first, I believe that it was whisky and spirits

that caused the ruin that brought on this law. [Applause.] I do not believe that beer and light wines create drunkenness. Hogarth pictured Beer Street and Gin Lane. I know when I went forth to camp with about 40 boys liquors were prohibited and after two and a half hours in the morning of violent drill and two and a half more in the afternoon the thirst was consuming. The water there was bad and gave dysentery; as a result many of the fellows drank whisky and about one-third of them, temperate men, too, during that week were somewhat overcome by drink. At the next camp we were presented with a thousand bottles of beer, which met the thirst, and nobody was affected during the whole time, though that beer was on free tap for ourselves and our friends.

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

Mr. PARKER of New Jersey. Only one more sentence. This bill attacks and prohibits the prescription of mild beverages that can be found and regulated by law and gives preference to whisky and strong wines of 24 per cent which can be secreted. This is a mistake. It is a law not easily enforced and this tends to make men break the law. [Applause.]

Mr. SUMNERS of Texas. I yield 15 minutes to the gentleman from Arkansas [Mr. TILLMAN]. [Applause.]

Mr. TILLMAN. Mr. Speaker, I was struck by the high type of men and women who appeared before the Committee on the Judiciary and advocated the passage of this measure. There came before this committee Bishop Cannon, of the Methodist Church, the third largest organization of its kind in America, and there came also, among other excellent people, Wayne B. Wheeler, Dr. Wiley, William B. Anderson, Mrs. Boole, and a particularly fine motherly woman from the good State of Kentucky, Mrs. Beecham, a kinswoman, I assume, of our lamented Speaker, Champ Clark. Right living, high thinking, and purity of conduct had written on the face of that splendid woman lines of classical beauty. It is not a bad thing to reflect that the supporters of this measure are traveling along the same highway with this goodly company. Many mothers appeared before our committee asking us to pass this bill. No mother, no woman, no minister spoke against it. The only woman Member of this House is supporting the bill. My eloquent and agreeable and Irish friend from Boston, Mr. GALLIVAN, is always interesting and eloquent, as always are the Irish. He is happy in his diction, always eloquent, always wet, and always wrong upon the liquor question. And he is to be followed this afternoon, I understand, by one of the most remarkable orators this House has ever heard. I had not had the pleasure of listening to our friend from New York [Mr. COCKRAN] until this session. He is not only a graceful orator, but he is a fluent and interesting talker as well. He is to close the debate in opposition to this bill.

I love the Irish. I am half Irish myself and have the right to talk about them. God bless them. They have fought gallantly for every country but their own, and I rejoice to see them loyal to the old country and loyal to the shamrock.

> There's a little green plant that grows over the sea,
> And the emerald leaves that it numbers are three,
> And the heart of the Irishman ever is true
> To the little green shamrock all covered with dew.

Gentle Irishmen, I want to see you loyal to the shamrock, loyal to Irish traditions, loyal to Irish whisky, even, but I do not like to see you get down on your proud knees and beg quarter for that broth of hell known as German lager beer. [Applause.] On this great liquor issue I appeal from my eloquent friend from Massachusetts [Mr. GALLIVAN], whom I love very much, to another Massachusetts man, John B. Gough, a rugged, fiery dramatic orator, who spoke against the giant evil of drink from ocean to ocean. And we all admire our genial, splendid friend from Illinois [Mr. SABATH], who is in charge of the opposition to this bill, but I appeal from him, much as we respect him, to that splendid woman, another Illinoisan, Frances Willard, whose marble statue stands out yonder—Frances Willard, whose fire-touched lips preached temperance throughout America. Her very name suggests white ribbon purity.

I regret that my handsome young friend from New York took occasion to say some things that I think he should have left unsaid, when he told the House that the place to get liquor in New York was at the police stations, and among officers who are sworn to enforce prohibition. Now, is this really true? It is a bad habit we have to decry judges, law-enforcement officers, to decry men who are church members or who stand for law enforcement. I believe this law can be enforced. It comes in bad grace from those who are against the passage of this bill to attempt to cast criticism and insinuations against those who happen to favor it.

Some of these critics are unfair and have no respect for things sacred.

Let me tell you what one witness at the hearings said was being done. He testified that they were selling in New York City a bottle with a holy cross upon it, marked holy water, and that the sacred symbol "I. H. S." was on the bottle. The majority of officers want to enforce the law, the majority of men and women in America believe in enforcing law. We have heard much said about the lack of law enforcement.

Mr. MILLS. Will the gentleman yield?

Mr. TILLMAN. I will.

Mr. MILLS. Does the gentleman apply his remarks with equal force to the fourteenth amendment to the Constitution?

Mr. TILLMAN. The fourteenth amendment to the Constitution is enforced, at least in the State of Arkansas. [Applause.]

Mr. BLANTON. And in Texas.

Mr. TILLMAN. And in Texas. In Arkansas, I assume you mean to say, we disfranchise the Negro. We have a poll-tax requirement in my State, the payment of which is made a prerequisite to voting, and this applies with equal force to whites and blacks. But I will not be diverted from discussing the eighteenth amendment because the gentleman from New York prefers to talk about the fourteenth amendment.

Mr. MILLS. How does the gentleman distinguish the various laws which do disfranchise the Negro from fake doctors' prescriptions?

Mr. TILLMAN. One reason why the South is for prohibition is because fake doctors have prescribed gin and beer and certain patent medicines for the Negroes, and these Negroes, inflamed by these liquors, sometimes commit the awful crime of rape, for which they are sometimes hanged in the South, a fact that we all deplore.

Other States besides my own require a poll tax, an educational qualification, or registration as a prerequisite to voting.

Mr. GREENE of Massachusetts. Let me say that the gentleman is incorrect in regard to the Massachusetts law.

Mr. TILLMAN. You have not any poll tax?

Mr. GREENE of Massachusetts. No. The law does not deprive any man of the right to vote.

Mr. TILLMAN. You have no property qualification there? At any rate, you have an educational qualification?

Mr. GREENE of Massachusetts. We have no property qualification and never had one.

Mr. COCKRAN. And let me make the same statement as to New York. There is no property qualification, poll tax, or anything else that prescribes conditions in New York State.

Mr. CARTER. You have registration, have you not?

Mr. COCKRAN. Registration is universal.

Mr. TILLMAN. Well, our requirement as to a poll tax is tantamount to registration. It is simply the payment of $1 to the common-school fund.

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

Mr. TILLMAN. Yes.

Mr. PADGETT. In Massachusetts they have an educational test.

Mr. TILLMAN. Why, certainly they have an educational test there. It is far more drastic and less fair than the law requiring the payment of a dollar to the school tax, as entitling one to the privilege of voting.

Mr. COCKRAN. We have none in New York.

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

Mr. TILLMAN. No; I must decline to yield.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. TILLMAN. Do not tell me that this law can not be enforced. You might say the law against murder is not enforced. It is, and yet men who are charged with murder are often acquitted, and men charged with the violation of this law are likewise often acquitted. But I say it is an insult to both State and Federal judiciary to say that this law will not be enforced. As long as we respect the judiciary as we do now, this country is safe.

I was much pleased with the action of the electorate in the good city of Chicago not long since. There is a political boss in the city of Chicago named Thompson, who is at the head of one of the numerous municipal political machines in the country, and he could always elect his candidates for Representatives and for county clerk and for sheriff, but when it came to electing his judicial ticket in the city of Chicago, the best people, Democrats and Republicans alike, got together and elected the splendid bench that they have had for years, mostly Republicans, and defeated the Thompson ticket. It shows the people respect the judiciary and can be relied on to select the best men for judicial positions, and these men will see to it that all laws are respected and enforced.

This measure is simply to stop the sale of beer as a medicine. It is not now and it never has been a medicine in the United States; never has been listed as a medicine in the United States Pharmacopœia.

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

Mr. TILLMAN. No; I can not yield now.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. TILLMAN. Dr. Wiley is an eminent physician, and he has plenty of money, is not a candidate for office, and he says beer never has been and is not now a medicine, and has never been prescribed as a medicine. It is true that the hops in the beer are a sort of tonic, and the malt is a sort of food, but the alcoholic content is not a medicine. Physician after physician and druggists all over the land testified before our committee and filed their statements to the effect that beer is not a medicine.

The best doctors are not giving much medicine any more. They say go out and breathe the free air of heaven for your diseases; go out and get the sunshine, eat proper food, and you will become cured.

Oh, they say, you must not limit physicians in the things they want to prescribe. They say if doctors want to prescribe beer, let them do so. Well, physicians are not supermen. They do not know everything. Any sensible man knows that beer and alcohol and intoxicating liquor do a thousand times more harm than good, and even though occasionally a prescription of beer would be helpful, the doctors must simply forego prescribing it for the greater good beer prohibition will bring about.

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

Mr. TILLMAN. I regret that I can not.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. TILLMAN. Now, take the proud city of New York. I want to see a dry New York. I want to take your liquor from you. I want you to be the greatest city in the world, and you would be if——

Mr. COCKRAN. We are——

Mr. TILLMAN. If you were dry. You would be still greater if they took your beer and certain other things away from you. Poor old London, the biggest city in the world, is now trembling from center to circumference. Why? Because the red radicals have her by the throat. Where do those radicals meet and plot? At the saloons. Sturdy old England, great as she is, is being debauched by half-and-half, by beer and ale and liquor, and because of this she will not be able to keep pace with sober America in the great race for world supremacy. [Applause.]

I want to see a dry world. I am no better than the average man. I have learned my lessons about the world, not in the correspondence school but by experience. I am not a crank, but I tell you I believe in prohibition and I believe the world is going to be saved by it. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. VOLSTEAD. I ask unanimous consent that all those who speak on this bill may revise and extend their remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that all Members who speak on this bill may revise and extend their remarks in the RECORD. Is there objection?

Mr. STAFFORD. Mr. Speaker, I assume that privilege will extend only to their own remarks?

The SPEAKER. With that limitation, is there objection?

There was no objection.

Mr. VOLSTEAD. I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL]. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, the decision of Attorney General Palmer that beer might be prescribed by physicians as a medicine under the Volstead Act created consternation throughout the country among those who believed, when the Volstead Act was enacted, that it prohibited the use of beer for medicinal purposes as well as for beverage purposes. Since then the one purpose of those who are in favor of the enforcement of the law under the eighteenth amendment throughout the country is to secure such an amendment to the law as will enable those in charge of its enforcement to enforce it against beer as well as the other prohibitive provisions of the law.

The Judiciary Committee very properly took up this subject and considered the question of passing a law that would prevent those in charge of the preparation of regulations and the enforcement of the law from putting into effect at a very early date regulations permitting physicians to prescribe beer and thus opening up breweries throughout the country for the manufacture of beer. Those interested in many breweries resorted to every possible trick to delay the passage of a law to prevent regulations being put in force for the sale of medicinal beer. The Treasury Department had been threatening for days to promulgate those regulations. The danger was imminent that they would be promulgated. The necessity was great that they should not be promulgated. The necessity was great that Congress should pass a law prohibiting the prescribing of beer as a medicine. But the Judiciary Committee entangled and entwined with the beer provision many other controversial questions that would have delayed the passage of the antibeer provision indefinitely, if indeed it ever could have been passed, loaded down with such riders as the Judiciary Committee loaded it with. The bill came to the Committee on Rules for a rule. They did not ask for its consideration under a suspension of the rules last Monday, as they might have done if they had had a bill for which there was a general demand and to which there was no serious objection. But, no; they asked for a rule.

The Committee on Rules, after a hearing to discover whether there was an emergency—not for the passage of the beer bill, because there was no question about that—found that it was proposed in the bill to give control of industrial alcohol used in the arts and sciences and in manufactures, over which Congress has no power under the eighteenth amendment, to the prohibition enforcement officer to find out about the question and provisions about which there was controversy. Well, the Rules Committee listened to those who came before them, and it was very apparent that the committee did not take kindly to the other provisions in the bill. I think the Committee on Rules in its personnel compares very favorably with other committees in this House. It embraces such men as SNELL and FESS and RODENBERG and DALE and JOHNSON and SCHALL and POU and GARRETT and CANTRILL and RIORDAN—a splendid array of men of high purpose and high character. They were in favor of passing at once a law that would cover beer, and make a provision against it which they had supposed was in the Volstead law when it was originally passed.

I have no apologies whatever to make to the Judiciary Committee or to any member of it for introducing a bill that I believe will speedily pass and become a law and prevent the breweries of this country from starting again at an early date. [Applause.] That was the purpose that I had, and that was the purpose that other members of the Committee on Rules had, and that is the purpose I have now in urging the speedy passage of this bill, so that it can meet another bill of similar import in the Senate and receive the early approval of the Congress and the President and become a law. [Applause.]

This is not the first time that the Committee on Rules has been criticized. We are not above mistakes, either its personnel or as a committee, neither are the Members of this House or other committees of this House. I recall another time that a feeling arose between the individual members of the Judiciary Committee and the Rules Committee. It was something like two years ago when the Committee on Rules prevented a bill reenacting the old alien and sedition laws coming up on this floor at a time when there was feverish excitement in the country against every man of alien birth. We prevented the bill coming on the floor after it had passed the Senate and been favorably reported by the Judiciary Committee of the House. Is there a man in Congress to-day who will introduce that bill and ask for its passage after there has been this opportunity for cooling off?

Mr. BLANTON. Yes.

Mr. CAMPBELL of Kansas. Well, there is one, and that makes it absolutely certain that nobody else would be in favor of it. [Laughter and applause.] Mr. Speaker, this bill should be passed at the earliest moment possible. Indeed, there was never any necessity for more than 40 minutes' debate on it. Whether those who are in favor of beer and light wines as a beverage like it or not, the eighteenth amendment to the Constitution does not provide for light beers and wines in the United States. The sooner the people of this country realize the fact that prohibition of spirits and vinous and malt liquors is here to stay and that proper laws are enacted for the enforcement of that constitutional provision the better it will be for them and the whole country. [Applause.]

Mr. CLASSON. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. VOLK].

Mr. VOLK. Mr. Speaker and gentlemen of the House, I can not work myself into a furore over this beer bill, and whether it passes or not makes very little material difference to me. However, I should like to correct a few of the remarks that were made on the floor here to-day, and, as my authority, I would like to say that in 1906 I began the practice of medicine and have been practicing on and off since that time. In 1914 I began the practice of law and I was a legislator in 1913. I can discuss this problem from nearly every angle. In 1913,

before the prohibition law was ever heard of, Potter's Materia Medica, at page 111, contained this on alcohol:

The use of alcoholic beverages in moderate quantity for healthy persons is violently condemned by extreme total-abstinence advocates, who make use of garbled quotations from medical authorities to support their arguments. Physicians generally agree with Mr. Lawson Tait, who declared himself "fully persuaded, after 30 years of life, as hard in work and as full of responsibility as well could be, that the moderate use of alcohol is a necessity in our modern life."

Dr. Robert Farquharson sums up the case for moderate drinking as follows: "All stimulant is unnecessary for the young and for people living perfectly healthy lives. But, under the stress and struggle of modern civilization, few of us beyond middle age are placed under normal physiological conditions, and a little alcohol helps us to round the corners, and to plane away the asperities of existence. In turns it may be a stimulant, or a sedative, or a tonic, or a digestive, or an actual food; and unless we run on into excess, no physical damage can possibly be done to our tissues. The argument in its favor, when wisely and prudently used, seems complete. It does us good and can do us no harm."

Now, ordinary kumiss contains from 2 to 3 per cent of alcohol; that is a milk preparation and you drink it freely every day. The ordinary fermented milk contains some alcohol, more than beer, and you do not go into a furor over a milk preparation. Why be afraid of beer? It is too bulky to be used in bootlegging. You need not be afraid of the bootleggers dealing in beer for they can not carry a case and get away with it. [Laughter and applause.]

We are facing a crisis with regard to the eighteenth amendment and the prohibition enforcement act. There has been an increase of drunkenness, criminality, and insanity, and many are turning to narcotic drugs for relief. Disrespect for the law is common, and otherwise self-respecting citizens violate the prohibition law as gleefully as a child on mischief bent.

Law is the crystallized moral sentiment of the community. A law which has not the moral support of the people can not be enforced. The only result of the prohibition law, so called, has been to remove from the Government about one-half billion dollars of yearly revenue. It has raised the price of liquor to an exorbitant degree and has resulted in flooding the market with "bootleg" whisky, high priced, dangerous, and of questionable quality. In addition to the loss in revenue it has become necessary to appropriate millions of dollars yearly for the enforcement of the law and in this expense the States have been compelled to join.

Has the supply of alcoholic beverages diminished? Light wines and beers have practically disappeared. The consumer must get his drink in concentrated form and chooses strong spirits. The rich and well to do can gratify their taste, but the poor man is left nothing but his thirst and his resentment against class discrimination. No one has any desire to defend the saloon nor intemperance nor the many evils of the liquor traffic, but reforms in morals and habits of people can not come by legislation. It is a process of gradual evolution.

The report of the committee shows that—

On January 1, 1921, there were in the bonded warehouses in the United States 40,216,079 gallons of whisky. At the end of March, 1921, there were 40,325,257 gallons of whisky, or 109,000 gallons more than on January 1.

Can it be that even under regulation by law we are producing more whisky than is necessary for consumption? Or, is it not more reasonable to assume that bootlegging has increased and that legitimate stocks in Government bonded warehouses are not the main source of supply?

To say that beer is not a medicine is to upset the experience and learning of the medical profession. Though 104 so-called physicians and scientists sign a statement "that the manufacture and sale of beer and other malt liquors for medicinal purposes should not be permitted," and so forth, how insignificant they seem compared with the 150,000 physicians in the United States to-day. The American Medical Editors' Association, composed of editors of the various medical magazines of the country, discussed this question at their fifty-second annual meeting held on June 7. A resolution was passed protesting against further undue regulation of therapeutic procedure by statutes or by administrative interpretation or regulation, and requested a review and revision of such existing statutes or rules or regulations restrictive of the therapeutic judgment and procedure of physicians. This was considered necessary for the preservation of the necessary rights of the medical profession and in the name of public welfare and wise public policy. The law should be a sane one and capable of proper enforcement.

Mr. SABATH. Mr. Speaker, I yield one minute to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Speaker and Members of the House, as the representative of a constituency that is overwhelmingly opposed and antagonistic to this measure, I shall vote against it. Like all of the other Members who will vote in the negative on the passage of the bill, I thoroughly understand the attitude of this House with reference to the Volstead Act. The proponents of that legislation are more numerous, if anything, than they were in the Sixty-sixth Congress, and as a matter of arithmetical deduction the opponents are less in number than they were in the last Congress.

Notwithstanding the apparent growth of the prohibition sentiment as evidenced by its increase in legislative strength, it is clear to the most superficial student of social and governmental affairs that "things are not what they seem." Some remarkable phases of the prohibition situation were evidenced on the floor of the House to-day. The gentleman from California [Mr. KAHN] in closing a very pointed though brief address on the subject matter under consideration remarked, "And I drink less in a year than many of the Members who will vote for this measure drink in a week." No one challenged the verity of that statement or expression. No one was apparently astonished. No mind in the House of Representatives was illumined by the suggestion that the lawmaking body itself treated prohibition and the statute lightly and flippantly and as a rule of action that was expected or supposed to be more honored in the breach than in the observance.

Under ordinary circumstances a suggestion that a proposed act might outrun and contravene the Constitution would arouse the serious thought of a great many of the Members of what is concededly a thoughtful assembly of representatives of the people, notwithstanding the criticism that is leveled at it from time to time. But in this case the declaration of many speakers to the effect that the proposed bill violated the constitutional rights of citizens provoked derisive smiles, which meant as plainly as words might have conveyed the facetious jocularity that has stood the test of so many years, "What is the Constitution between friends?" As a matter of fact, it is clear to the ordinary observer of men and matters that it is not difficult, where one has the price, to quickly escape from the burning sands of the desert and find nepenthe in many an oasis in every city, great and small, in the country.

Some time since I read in the New York Times that Mr. Don. V. Parker, prohibition officer of Ohio, had given out a rather startling view of the situation in that State. Two years ago not more than a hundred stills were in operation, according to the commissioner. Now, the Columbus correspondent of the Cleveland Plain Dealer informs us that Mr. Parker is willing to concede that an estimate of 50,000 active stills in the State is conservative. Just as melancholy is the census of the children of "malt and hops." Prior to prohibition there were perhaps a few more than 200 breweries in Ohio. Now it is said that the number runs into hundreds of thousands. Fortunately, "it is said" suggests a wide region of guess and surmise. The Columbus police, men of wet bias, evidently estimate that one family out of every four brews its own beer. Many women are making beer for themselves, their families, and friends. Females' hands are also busy in producing wine and whisky. Apricots, raisins, and so on, for forbidden purposes, have an enormous sale at the groceries. Officials of the prohibition department admit that in some communities nearly 100 per cent of the homes are engaged in the illicit production of either distilled or fermented liquor. Wet statisticians, airily playing with the estimate that one family out of every four is a brewery, are happy in the conviction that Ohio, with a population of 5,800,000, is running 290,000 breweries.

One tale is good till another is told, yet if the prohibition commissioner of Ohio grants "that an estimate of 50,000 active stills in the State is conservative," the Buckeye heathen are much more numerous than anybody would have expected. Why should Ohio be, if it be, so much more wicked than New York or any other State?

If the figures mentioned by the Times are anyway near accurate and the people in the other States of the Union are disposed to view life from the same good-humored standpoint as the citizens of the Buckeye State, then it follows that there are approximately 5,500,000 breweries running and nearly 1,000,000 stills operating in the United States.

No wonder that the average man in public life of our country laughs uproariously at the suggestion that the constitutional rights of citizens are imperiled by reasons of a pretended or an imaginary compliance with the article and the statute. Apparently no one seems to believe it is reprehensible to violate this law. Instead of the solemn declaration of many Congressmen who addressed the House to the effect that this bill was based on the theory that an amazingly large number of members of the medical profession were lawbreakers, or could be easily tempted to violate the law, calling or provoking any denial or defending answer from the proponents, there seemed to be a desire upon the part of many to laugh at the matter, and as some Members said in private conversation, enjoy the

legislative cudgeling of the disciples of Aesculapius, probably on the theory that each phase and strata of society sooner or later fall a victim to public criticism, and as lawyers and legislators have "gotten theirs" for many a day it is time for "the healers" to get the lambasting which this bill undoubtedly attempts to give them.

Some time since one of the great jurisconsults of this country said in discussing prohibition enforcement and the interpretation of the eighteenth amendment that—

The Volstead Act in its present form is a piece of glaring legislative chicanery and lawlessness that is without precedent and without even the merit of a decent excuse. It is an incitement to contempt for law, and on that ground, and not primarily because it prohibits nonintoxicating beer, its modification becomes imperative to those who are wedded to the rule of law and order.

Permit me to particularize. The eighteenth amendment prohibits "the manufacture and sale of intoxicating liquor as a beverage," and gives to Congress and the States concurrent power to enact the necessary legislation to carry this prohibition into effect. The Supreme Court has said in effect that when the people gave to Congress and the States concurrent power they meant to give Congress sole and supreme power to the exclusion of the States. The court further decided in effect that the character and extent of the legislation that Congress may enact is without constitutional limitation or right of view; that the people left that entire subject unreservedly to Congress and that the courts have no control over it; if Congress has deceived the people and abused its power, its Members are accountable to their constituents and not to the courts.

What, then, has Congress done under this unlimited grant of power "to prohibit the manufacture and sale of intoxicating liquors as a beverage"? It has legislated to forbid the manufacture and sale of beverages which contain only one-half of 1 per cent of alcoholic content—beverages that it does not pretend, and that nobody has ever pretended, to be intoxicating, or that could possibly tend to intoxicate, as was frankly admitted by the members of the Senate committee upon the argument of the bill. It is not, therefore, because of anything that has been done with respect to "rum or no rum," nor because there is any controversy over the wisdom of the amendment, which is a great blessing to the country, but because Congress has grossly abused its power, that its action is to be challenged at the bar of popular judgment. The absurdity and bad faith of the limitation are made apparent when we consider that the alcoholic contents fixed by the law are less than are contained in a beefsteak. A glance at the proceedings before the committee when the bill was before it will convince any fair-minded person that Congress, under the whip of the Anti-Saloon League, lawlessly arrogated to itself the arbitrary power to outlaw nonalcoholic beverages, and that by that act of usurpation it has plunged this entire subject into the political arena as a bone for endless controversy.

Will anybody seriously contend that three-quarters of the States of the Union would have ratified the eighteenth amendment if they had suspected that it would ever have been held to include beverages which the promoters of the amendment have time and again themselves admitted to be beyond question nonintoxicating?

It is the most vicious form of class legislation and is bound to breed resentment and class hatred, besides which the law is unenforceable in the great cities, where it is most needed, and is only being sporadically enforced, and is generally openly violated.

The ruthless confiscation of property resulting from this abuse of power runs into billions of dollars. The business of brewing beer, a wholesome, harmless industry that has since the foundation of our Government been recognized as respectable and encouraged by legislation and that has yielded a substantial part of the State and Federal revenues, is thus summarily annihilated, without compensation to the owners, contrary to what is believed to be the will of the people.

If the Volstead Act is a legitimate exercise of the power intended to be delegated to Congress and not an abuse of that power, the form of the amendment prohibiting only intoxicating liquors was a fraud upon the people. Their remedy is to elect a Congress that will conform the law to the Constitution, which the Supreme Court has said is within the power of Congress to do.

Mr. Speaker, I would not measure the happiness of the human race or the welfare of my countrymen by money. I would not add to the misery of the race by a single jot for all of the wealth that has been piled up and then dissipated during all of the ages that have rolled their way into eternity. If I can not make some nook of God's creation a little brighter for my presence in this world, I will never attempt consciously to make it darker.

As long as God Almighty gives me the light to see the right I will champion the right. By no act of mine will ever I diminish the chances of any human being on this earth from securing the contentment and pleasure that ought to be found in human existence.

I believe that end can be secured by looking at life sanely, and from a common-sense standpoint. I can not subscribe to the theory that a fanatical reformer, who at times mistakes his own malevolence for a supreme virtue, is any better citizen or friend of the human race than the one who seeks by advocating temperance in all things and the building up of character to promote the welfare of his generation and those that are to follow. Far better, in my judgment, would it have been had the use of strong drink been prohibited and the manufacture and sale of light wines and beer allowed under strict regulation and a proper license tax. The subject should have been approached by way of an incline gradually reaching the summit or goal desired than through the precipitous leap that was undertaken and which failed to reach destination. Better to have a few hundred well-regulated breweries and wineries producing a desirable liquid food, according to excellent medical authority and upon which a noted political economist recently declared before a congressional committee could be levied a tax that would yield to the Government approximately $1,000,000,000 annually, than to have millions of kitchens fitted up with mechanical apparatus and the ingredients to produce either wine or beer. Regulation, in my judgment, would be productive of better results than ever can flow from prohibition.

The well-regulated restaurant where light wines and beer might be had would at once become a citadel and fortress of temperance, and drunkenness would become a thing of the past, as a proprietor would not care to run the risk, under a proper regulation, of losing his license and his status as a good citizen under the well-crystallized public opinion resulting from such a governmental system. Deplorable as it might be, however humiliating to thoughtful citizens who are not facetiously inclined, the fact stands out glaringly and shamelessly that prohibition has resulted in producing a lawlessness in our cities and, according to the best accounts, in the rural communities that may ultimately become a menace to that law and order which we know has been the bulwark of our national existence. The liquor traffic to-day, being outlawed, is lawlessly carried on by some of the most desperate members of every community, who are gradually but surely undermining and sapping the respectability and manhood of those citizens who are foolish enough to surreptitiously deal with these illegal agents of an outlawed and lawless traffic. It is needless to point out the danger that must spring from such an attitude toward the national enforcement act. It is an easy step from one violation to another. The imagination of each citizen in all probability can body forth what may follow such an easy attitude toward the violation of law and order more vividly than I can hope to produce for him by any picture that I might attempt to draw of what seems to lie beyond a drastic enforcement of an act that millions will violate contemptuously and derisively.

Mr. Speaker, my theme is ended. I hope that I have conservatively and faithfully expressed the viewpoint of the people among whom I was born and reared—a brave, proud, and valiant people who will obey the law as it is written and interpreted, but who believe that they have a right by petition and through their Representative to attempt to secure a modification of what they believe is a statute that far outruns the constitutional purpose of the eighteenth amendment.

I am glad to present and express the views of an overwhelming majority of the constituency that I have the honor to represent—glad because, and I can not repeat it too often, I believe well-regulated restaurants wherein might be served light wines and beer possessing nutrious food value would serve a better purpose than prohibition and the hypocrisies, deceits, chicaneries, and vicious lawlessness that are apparently inseparably associated presently with the futile attempt to enforce the statutory provision and regulations of what is known as the Volstead Act. I concede to others what I hope may be granted to myself, the sincerity of my protestations and belief. No man possesses the infallible touchstone of truth. Men equally honest and sincere will differ upon the best mode to secure the welfare of the Nation and the happiness of the people. I believe the modification of the Volstead Act by the Congress of the United States substituting regulation for prohibition as the motif of the Nation's attitude is necessary in order to procure the best results obtainable in a society as complex as that which constitutes the United States of America. From now on I think the pendulum will swing in the direction of moderation, temperance, and common sense, and that within the course of a few years Members of Congress in both branches will reflect the re-

considered judgment of the American people by the modification which I have suggested in this feeble attempt to express the attitude of the people of the first congressional district of Louisiana.

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

Mr. HOGAN. Mr. Speaker, this amendment is an attempt to give added strictness to a law which has already exceeded the limit of enforcement. The facts set forth in the report of the Judiciary Committee—that on January 1, 1921, there were in the bonded warehouses of the United States 40,216,079 gallons of whisky, that at the end of March this total had been increased by 109,000 gallons, and that the Government collected more than $138,000,000 in revenue from liquor during the past year—are sufficient proof that the Volstead Act, born of a fanatic zeal to invade the private right of the individual, is not taken with sufficient seriousness by a people which has always been resentful of even a semblance of any tyranny on the part of the majority.

It will not be denied that expedients for the manufacture of home brew are growing in such vast numbers as to stimulate the curiosity if not the envy of those who do not know how to use them. In the face of more or less pious and hopeful statements that prohibition is here, bootlegging is the only business which has failed to suffer from the industrial depression, which is the natural consequence of a Democratic administration. While the author of the act designed to take much of the joy out of life disdains to recognize that his creation possibly could be a failure we have constant evidence all around us that the wealthy have liquid refreshment of good quality when they desire it and those less fortunate suffer from impurities which they imbibe with considerable freedom, though not so openly.

I have no doubt that if all the people should refrain from taking a drop of intoxicating liquors during the next half century our land would be much improved. I am also of the opinion that if all our people attended divine services each Sunday and during week days with the utmost strictness fashioned their ways to Christian principles, the millennial dawn would soon be here. I know that if our homes could be governed entirely by unselfishness, kindliness, and love, we should be able to do away with most of our litigation and all of our jails. If I thought I could bring about such a moral advance by voting to enforce it by law, I should gladly vote in this House to do so; but if history teaches me anything, it is that men can not be made good by statute.

As a legislator here I must vote not for what men ought to be but for what they are. For thousands of years they have been stimulating themselves by the use of intoxicants. Those who have overdone it have been few as compared to the vast number in all ages who have enjoyed the mild use of wine and beer. The Father of His Country manufactured at Mount Vernon a total of 12,000 gallons of whisky. Perhaps this is one of the reasons why he was not too proud to fight. Gen. Grant was so proficient in its use as to lead Lincoln to facetiously inquire of the prohibitionists of his day whether he could not give some of the same brand to others in order that they might fight better. Millions of good citizens of our country in times past have imbibed according to their wants or needs.

By a survival of Puritanism the prohibition movement sought to make all citizens cease drinking by statute. The very good people of each State, usually by small majorities, enacted such laws. They passed the eighteenth amendment and the Volstead Act. But they did not take away from the minority, numbering millions, the mild taste for spirituous liquors. That taste remains. These see no wrong in such mild use, even though the majority have made it a crime. Hence we have a growing disrespect for a law which seeks to enforce a mere opinion, a growing hypocrisy in Congress and out about pretending to be for a regulation which is contrary to the habits of human nature, and a growing field for corruption of officials who find difficulty in sustaining a rigorous statute which is not upheld by the universal sentiment of the people. Prohibition does not and can not prohibit in our great cities, and it lends encouragement to disregard of all law.

I shall therefore not vote for any amendment to the Volstead Act except that which will restore to the minority its individual right to the use of wine and beer in such quantities as will not interfere with the welfare of others. We have enough real crimes, which everybody recognizes should be repressed by the utmost rigor of the law, without entering the domain of innocuous and harmless personal habit. The great minority throughout the country and the great majority in our cosmopolitan centers being what they are, it can not but follow that further tightening of an unpopular attempt to invade what they believe to be matters which concern them solely as individuals will be provocative only of further hypocrisy. In the long run it can succeed no more than the enactment by Congress of a law to compel all men to cut their hair alike. Nearly half of the country will submit, though in a minority, to being told that their children must be educated, for that is a good which has no minority opinion; but they will submit only in name to a law which prescribes that they shall not mildly use liquors which they and their fathers have found added to their enjoyment without causing injury to them or the community unless carried to that excess which is harmful and inexcusable in all things.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker and gentlemen of the House, I was very much interested in the statement made by the young man from New York [Mr. RYAN] when he said that the American Federation of Labor was 100 per cent in favor of light wines and beer. During the last 10 days there has been a great convention of the American Federation of Labor at Denver, Colo., and one of the questions that came before that body was light wines and beer. According to the newspaper reports, it is true that the convention went on record in favor of permitting the sale of light wines and beer. Mr. Speaker, I do not want to challenge the authority of Mr. Gompers or the executive council of the American Federation of Labor to speak for the working classes on economic questions, but I do challenge the authority of Mr. Gompers and the executive council of the American Federation of Labor to speak for the workingmen of this country on moral questions. [Applause.] I think I can prove in just a minute that Mr. Gompers and the American Federation of Labor do not express the sentiment of the workingmen in this country on this great moral question. I want the workingmen to have the chance to speak for themselves on this question. In 1918 we had a wet and dry election on prohibition in the State of Ohio. At that time, in 1918, I believe the State went for prohibition by eighteen or twenty thousand. The wet interests howled and said that we took advantage of them while the soldiers of the country were away in France, and they insisted on having another test, and we gave them another chance in 1919, after the soldiers had come back, and at that time Ohio voted for prohibition by upward of between seventy and eighty thousand majority. [Applause.]

Mr. Speaker, we have many working classes and some great industrial centers in Ohio. Ohio is the fourth greatest industrial State of the Union. I want to give you the vote in four of the largest industrial counties in the State of Ohio on the question of prohibition in 1919. Franklin County, in which is situated the city of Columbus, with its thousands of mechanics and workingmen, voted dry that year by 17,000. Mahoning County, which is one of the greatest steel districts in the country, which has about 30,000 or 40,000 men working in its steel plants, gave 12,000 majority for prohibition. Summit County, in which is located the city of Akron, which has the largest rubber industry in the entire world, gave a majority for prohibition of 10,000, and Stark County, another great industrial center, gave a majority for prohibition of 7,000 or 8,000. So I say that the action of the American Federation of Labor at their convention in Denver last week did not speak the sentiments of the workingmen of this country.

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

Mr. COOPER of Ohio. Not now. A short time ago Mr. Gompers was quoted as making the statement—and I want to say that I have no quarrel with him; I just do not agree with him on all things; and if I had been a delegate to the convention at Denver last week I would have voted for Mr. Gompers, because I believe he is the best man in that place at this time, and in many respects I consider him one of the greatest labor leaders the world has ever produced. As I was about to say, some time ago Mr. Gompers was quoted as making this statement:

> In my journeys through the United States I have yet to come in contact with anyone who did not damn prohibition up hill and down dale. I have not met one man who has said to me that he was in favor of prohibition just as it stands to-day.

Mr. Speaker, I do not know who the people were that Mr. Gompers met in his travels, but I know he did not find the workingmen of our country damning prohibition. About the same time Mr. Gompers made this statement the Literary Digest published a symposium under the title "Labor's Verdict on Prohibition," compiled from 526 replies from prominent workers and labor leaders throughout the country in answer to the question addressed them by the Digest, "Has prohibition been a benefit to the workingmen and their families?" in which 345 replied that it has been, and but 143 that it has not; 31 were doubtful, and 7 thought prohibition had not yet been given a fair trial. It will be noted that in this symposium 65 per cent of all who answered favor prohibition, while only 35 per cent

were against it, including in those against it the doubtful and those who feel that prohibition has not been given a fair trial.

Mr. Speaker, I just wanted to make this statement in defense of the thousands of honest law-abiding workingmen who resent the lying inference that they are the spokesmen for those who want to bring back the sale of intoxicating liquors in defiance and direct violation of the Constitution of our country. We have heard a great deal to-day about the enforcement of the prohibition law—some Members here have stated that it can not be enforced. I must confess that I do not like to hear a Member of Congress make such a statement, for I believe that when such a statement is made by a Member of this body it has a tendency to encourage the very act of committing the crime. Mr. Speaker, I trust that the day will never come in this fair land of ours when we can not enforce the constituted law of our country, for when that comes all liberty will cease and anarchy will begin.

The gentleman from Wisconsin [Mr. CLASSON] in speaking in opposition to this bill a few minutes ago called our attention to the so-called demonstration against the prohibition law which is scheduled to take place in New York City July 4, and he seemed to express some feeling of pride in the fact that many thousands were going to take part in this parade. Now, the gentleman from Wisconsin knows that if the people of New York City want the liquor and saloon back there is an orderly way for them to proceed, and that is to amend the Constitution; the people of New York can march from now till doomsday, they may blow their horns and trumpets till the walls of the Woolworth Building crumble and fall, but our Government will never permit them to violate the law of the land. The gentleman from Wisconsin told us of the large number of women that were going to take part in this demonstration. Now, I know that he will not contend that these women who take part in this demonstration express the sentiment of the womanhood of our land, for it would be an insult to the motherhood of our country to say that they desired the return of the saloon and the liquor traffic. But on the other hand the mothers of our land are down on their knees thanking God that their sons and daughters are at last free from the temptation of the saloon of the past and the demoralizing evil of the liquor traffic. Mr. Speaker, we have heard a great deal to-day about beer as a medicine. The best physicians of our country have never contended that beer was useful for medicinal purposes, but on the other hand prominent physicians all over our country are protesting against permitting beer to be made and sold for medicinal use.

And, Mr. Speaker, at this point I would like to insert as part of my remarks a protest that I have received from some very prominent physicians on this question:

KANE, PA., *April 8, 1921.*

HON. JOHN G. COOPER,
*Washington, D. C.*

HONORABLE SIR: The appended is a list of physicians, members of the McKean County Medical Society, who united in the following resolution:

"We urge Congress to make it its business to correct the law so as to prevent the brewing interests from making the medical profession a party to the sale of malt liquors through 'booze' prescriptions, as it appears it may through the late ruling of ex-Attorney General Palmer."

It is earnestly desired that you make every effort to protect us from the imputation of being little better than bartenders.

Very respectfully, yours,

EVAN O'NEILL KANE.

List of above-named physicians: G. E. Benninghoff, G. G. Ash, Fred C. Johnson, F. De Crerie, F. W. Paton, James B. Stewart, H. A. Canfield, B. J. White, H. J. Nichols, H. Irvin Woodhead, T. O. Glenn, H. A. Wilson, E. M. McLean, R. K. Russell, B. H. Hall, Persis Straight Robbins, A. Grace White, L. D. Joseph, S. H. Haines, F. R. Humphreys, T. A. Dunn, W. J. McGranor, J. W. King, J. H. Smith, J. W. Fredericks, J. H. Smith, O. S. Hannumtin, William C. Hogan, H. M. Cleveland, H. K. Eamon, Burg Chadwick, W. A. Ostrander, A. J. Colcord, Dr. Hanna, S. G. Beatty, E. H. Hickman, Milo W. Cox, J. M. Heimbach, L. W. Dana, Mary J. Hales, D. E. Vogan, Thomas L. Kane, Evan O'Neill Kane.

Mr. Speaker and fellow Members, let us meet this question like men. We have all taken an oath to support and defend the Constitution of our country. The Constitution prohibits the sale and manufacture of intoxicating liquors as beverages, and it is our solemn duty now to do everything in our power to live up to our oath of office and see to it that the law of the land shall be enforced to the letter as long as it remains on our statute books. [Applause.]

Mr. CLASSON. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, the prohibition question has been tried throughout the country for several years. The general opinion of the people that I meet is that as a consequence there are more bootleggers and lawbreakers in the country at this time than there ever were at any time in its history. I have frequently stated on this floor that prohibition would ultimately lead to serious lawbreaking. The man who feels that he wants a drink of some kind as a stimulant, or even as a medicine, is going to get it, law or no law. If he is successful in getting it a good many times without being caught at it, he feels that it is only one step further to break a very serious law, and he too often does that. In my honest opinion this kind of legislation makes men liars, sneaks, hypocrites. I remember stating on this floor some years ago that, after all, the first law that was broken by man was a prohibition law, and the first law that was given to man was a prohibition law.

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

Mr. KAHN. No. I regret I have not the time. Let me call your attention to the Bible and to the description of the formation of the earth. The Almighty, after having created all things, turned to Adam and Eve and said, in effect: "This is all yours, to have, to enjoy, to hold, and to possess; but in that corner over there there is one tree; I prohibit you from eating of the fruit of that tree." That was the first prohibition law. As soon as the Almighty was out of sight, they ate of the fruit of that tree and broke the law. And then Adam, like a liar, sneak, and hypocrite, blamed it all on the woman.

Mr. PADGETT rose.

Mr. KAHN. I can not yield to the gentleman. I am simply pointing out to you that there is something in human nature which makes us want to get something that we are told we can not have. That is an instinct in the human being that is as old as the world itself.

I believe this thing ought to be handled in a rational way; and this prohibition legislation you all know is not rational. Gentlemen all know that the law is being violated every day of the week and every hour of the day. There is drunkenness all over the country to-day, despite the prohibition law. I do not drink myself. I believe in absolute temperance. But there are men here who vote for prohibition who drink more in one week than I do in one year. [Applause.]

The SPEAKER. The time of the gentleman from California has expired.

Mr. SABATH. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. DEAL].

Mr. DEAL. Mr. Speaker, I am opposed to the enactment into law of the bill under discussion, or any legislation having for its object more stringent and drastic legislation than existing law. Indeed, I am of the conviction that it would be wise to modify existing laws. It were better far to permit the use of light wines and beer than have an illicit trade in alcohols that are poisonous, dangerous to health, and destroyers of life. If there be a majority of this body holding the opposite view, then surely they should be content to rest upon the laurels already won and not drive to desperation masses of people who otherwise desire to be law-abiding citizens, especially when there are so many causes for unrest and discontent. With those who conscientiously hold other opinions I have no quarrel. Let me say that I stand here not as one pleading the case of any man or class of men. Nor am I pleading, in any sense, personal interest, except in so far as a policy encroaches upon individual rights and establishes precedents tending, in my humble opinion, to destroy the principles upon which our Government was founded.

MODERATION IS A VIRTUE.

Moderation and temperance are synonymous. St. Paul said we should "be temperate in all things"—that is to say, temperate in speech, temperate in action, temperate in eating, temperate in the use of tobacco and of strong drink, and especially should we be temperate in the making of laws for the guidance and control of human beings. That temperate laws prohibiting unlimited and unrestrained manufacture, traffic, and use of alcoholic beverages elevates the moral tone of society I shall not deny, but that intemperate laws have a demoralizing influence I likewise submit. The extent of the harmful influence of either can not be calculated. If it be a sin to indulge in the excessive use of alcohol or tobacco or opiates, then why is it not equally sinful to indulge in excessive and extreme regulatory laws which likewise result in the corruption of the morals of society? Again, St. Paul said:

They that sin, though they condemn it in others, can not excuse themselves.

What excuse therefore can we offer for the enactment of laws which are not respected, which prompt vast numbers to resentment and a contempt of law? I do not have reference solely to the prohibition laws, but to any intemperate law, excessive taxation, or regulation of one's actions which do not regulate because they do not have the support of the masses. It can scarcely be denied that our so-called prohibition laws are exceedingly intemperate, interfering and meddling with established rights and privileges of human beings—privileges which have been enjoyed by the human race for more than 6,000 years,

privileges which the Lord did not deem it wise or necessary to write into His code of morals—the Ten Commandments—nor does He seem to have forbidden the temperate use of alcoholic beverages. While opposed myself to the unrestrained traffic in alcoholic beverages as exemplified by the saloon, I believe that man should not be restrained from the right, within the sacred precincts of his home, to make wine for his own use, even as Christ did at the marriage feast. A man's home is his castle, be it ever so humble. To him it is sacred, and so long as he violates no law of the Great Giver of all things nor trespasses upon the rights of others, it should not be the privilege of his fellow man to invade the private recesses of that home. It was Dickens, I believe, who said that he "could well understand the patriotism and love of the rich man for his home of comfort and luxury, but the patriotism and love of the poor man for his humble hearth is welded from a stronger mold and of purer steel." Be that as it may, the home of each is to him sacred. Permit him to enjoy that home in his own way and you have a patriotic and loyal supporter of the Government. Cross that threshold by laws to him vexatious, irritating, and nauseating, and we sow the seeds of discontent, unrest, contempt and hatred of the law, from which we will sooner or later reap a whirlwind.

THE EXTREME IN ANY LINE OF ENDEAVOR IS ATTENDED WITH DANGER.

That extremes are dangerous may be illustrated in many ways. Certainly the excessive use of alcohol is dangerous to health, to morals, to society. The same is true of extreme and drastic laws. This was recognized by Jefferson when he said that "the best governed are the least governed."

Being a temperate man, he, of course, had in mind temperate laws. The occasion for any form of government, as I understand it, is to protect human life, property rights, sanctity of the home, and human endeavor. All government in the higher acceptation of the idea derives its powers from the consent of the governed. Laws, therefore, are supposed to lay down general principles for the guidance not of specific individuals but of all individuals. It would seem unreasonable, therefore, in order to regulate one intemperate individual and curtail his opportunity for self-punishment that fifty temperate individuals should be denied a pleasure which does not trespass upon the rights or privileges of others. Whenever government has undertaken to regulate the religion and the morals of its citizens, bloodshed, destruction of property, and contempt of law and order have followed, and, to my mind, have far overbalanced any good which may have resulted from conservative laws.

The idea appears to prevail that under our form of government the majority should rule, that minorities have no rights which should be respected by the majorities. This is not true in its entirety. There are certain fundamental rights which should be guaranteed to the minority. The founders of our Government recognized this necessity; hence a solemn contract was drawn and entered into by the Government, on the one part, and the people, on the other, in which certain rights were ceded to the Federal Government, which rights were specifically named. All other rights were reserved by the governed. And early statesmen foresaw that waves of sentiment, resentment, malice, envy, war, fanaticism, and even mobocracy would ebb and flow with the years, and therefore the occasion for a binding contract, which would safeguard the rights of the minority. That the masses of our people have demanded the eighteenth amendment, and the drastic laws incident thereto, I deny. That they have cast their ballots for the abolition of the saloon, I agree. When this so-called temperance wave first began, there was no suggestion, so far as I am aware, of an amendment to our Federal Constitution prohibiting the manufacture, sale, and transportation of alcoholic beverages and ceding to the Federal Government extraordinary police powers belonging exclusively to the State. The very name "Anti-Saloon League" suggests the intent and purpose of the movement, and it was for this that the American people voted.

I submit that the leaders of this movement would not dare to-day to give to the masses of our people the opportunity to pass upon the repeal of the eighteenth amendment or the passage of the bill under consideration. We of the South used as an argument for prohibiting the traffic in alcohols that we would prevent disorders in our rural districts incident to drunkenness among the colored race, thereby making our highways and public places safe, and create better labor conditions. As a result we have turned the traffic over to that element of society. We have upon the market poisonous concoctions, injurious to health, and our labor has become grossly inefficient. May I not venture the suggestion that if every adult man and woman in our Southern States had been permitted to cast a ballot upon this subject no majority could ever have been had in favor of the eighteenth amendment or the Volstead law. Permit me to say that by the submission of the eighteenth amendment and its ratification we have surrendered our vaunted liberties to a greater extent than by any other act in the history of our country. We have placed in the hands of one man—the President of the United States of America—powers of persecution possessed by no other ruler of a white race, with the possible exception of Russia. That it may be used with moderation for the time being does not alter the fact that the powers thus granted may be used by some future autocrat and tyrant to persecute, blackmail, punish political opponents, and drive the masses into submission to the tyrant's will. What is there to-day to prevent the powers that be in Washington from placing spies upon the trail of any citizen in Maine or California or other State of the Union and for some trifling violation of any of a hundred drastic laws, punishable by prison sentence, arrest him and thus silence the activities of a political opponent?

Any law to which a majority of those whom it is intended to control is opposed can not be enforced. Any law, as a result of which large profits may be realized, never has and in my judgment never will be enforced. Laws that can not be enforced lead to contempt and derision of all law.

The drastic alcoholic prohibition laws of the Nation being a departure from an established privilege coming down through the ages, there are no precedents or experiences to guide intelligent thought directly as to the probable consequences. The nearest parallel may be found in laws against smuggling and the results incident thereto. Indeed, smuggling is most largely responsible for the Government's inability to control the production and use of alcoholic beverages. Smith, an English authority, quoted in the Cyclopedia of Political Science, Economy, and History, says that—

> the crime of smuggling, which occupies so prominent a place in the criminal legislation of all modern States, is wholly the result of vicious commercial and financial legislation. It is the fruit either of prohibitions of importations or of oppressively high duties. It does not originate in any depravity inherent in man but in the folly and ignorance of legislators.

It can not be said that the submission and ratification of the eighteenth amendment, and the drastic laws incident thereto, have resulted from ignorance. It has been said—with what degree of accuracy I know not—that had a secret ballot been taken upon the submission of the eighteenth amendment it would not have been submitted. Again, says Smith—

> Prohibition against importing a commodity does not take away the taste for it. Governments have usually consulted tax collectors as to the most effectual means of collecting duties, though it is clear that the interest, prejudice, and peculiar habits of such persons utterly disqualify them from forming a sound opinion on such a subject.

The prohibitionist is not interested in the matter of revenue but in regulating the individual in conformity to his views. We have undertaken a far greater problem in that, regardless of revenue, we say, Thou shalt not smuggle or use. The profit and incentive therefor transcends any results of smuggling heretofore engaged in. Our prohibition-enforcement officers, like the tax gatherers, unwilling to admit their inability to enforce, claim and will continue to claim defect in laws; hence the bill under discussion. And we will no doubt have a continuation of amendments to laws already so drastic as to create contempt for law and the imposition of new and severer penalties.

Continuing, Smith says:

> As might have been expected, these attempts have in the great majority of cases proved signally unsuccessful, and it has been invariably found that no vigilance on the part of the revenue officers can prevent smuggling of such commodities as are either prohibited or loaded with excessive duties. The smuggler is generally a popular character, and whatever the law may declare on the subject it is ludicrous to expect that the bulk of society should ever be brought to think that those who furnish them with cheap brandy, tobacco, etc., are guilty of any very heinous offense.

Multiply the conditions resulting, not from high import duties but by actual prohibition, denying under any condition the manufacture, importation, transportation, and use of stimulants which nature craves, and which has been always until now a privilege and right, and we accentuate enforcement difficulties an hundredfold. Prohibition will not prohibit, and if public sentiment does not support a law it can never be enforced. In 1826 England prohibited the importation of foreign silks. The vigilance and integrity of the customhouse officers were no match for the ingenuity and daring of smugglers. When the greatest effort was being displayed by enforcement officers, French silks were openly displayed in the House of Commons. I recently read that in a city of my own State alcoholic beverages were discovered stored in the courthouse. The success of smuggling was due, as stated by the aforesaid authority, "to the corruption of the enforcement officers." It is currently believed to-day that some of our prohibition officers are in some instances conniving, if not actually aid-

ing in the dispensation of alcoholic beverages. In the Gentleman's Magazine, published in England, for 1735, under date of September 3, a correspondent writes that "in several parts of Kent the farmers are obliged to raise wages, and yet are distressed for want of hands to get in their harvest, due to the great numbers engaged in smuggling."

The Rev. R. S. Hawker, of Morwenstown, Wales, tells as apropos of his unavailing effort to combat tax views respecting smuggling. He was answered with "but why should the King tax good liquor." In 1736 in course of debate in the House of Commons it was stated that in France where smuggling of all kinds was punishable by death on the gallows, an army called Les Moltotiers were kept for the purpose of apprehending and inflicting the punishment, and yet smuggling in that Kingdom was as flagrant as in England. I have not a doubt but that this law will be enacted and that at each succeeding Congress additional amendments will be proposed. I am interested to know how soon an amendment will come providing a death penalty for those who may violate our prohibition laws.

The casting of Christians into the arena to be rent and torn to death by wild beasts, the Spanish inquisition, the burning of 300 citizens at the stake during the reign of "Bloody Mary," the ducking and murder of witches in our own country because of their beliefs and desires, only occasioned the spread and growth of the things it was sought to destroy. Are we blind to the experiences of recorded history? Ah, but we are told "it is not in this generation that the millenium will come, only with the coming generations will we see the curse of the world buried and forgotten." History repeats itself. Another generation, if not this, will answer the statement, and answer it as in the past. It has been stated by a supporter of the measure under discussion that the same old arguments against prohibition are being used by its opponents; no doubt this is true, but it is the same old story of plucking the mote from thy brother's eye before removing the beam from thine own eye. Yes; and we will continue to hear these arguments and others, till there are modifications of the intemperate laws now upon our statutes. Does any person seriously feel that the craving for stimulants inherent in all races and in all ages can be eradicated by man-made laws?

Mr. CLASSON. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. OLPP].

Mr. OLPP. Mr. Speaker and gentlemen of the House, I have heard a great many arguments here this afternoon about what the good doctor says about beer. Well, I am not going to argue the question of whether alcohol is necessary or not. If it is or is not necessary in respect to treating certain cases, and if you have to limit the physician in the amount he is going to use, I do not see where and how a committee that knows nothing about medicine could limit them if they use it as a medicine. They say that alcohol is not in the Pharmacopœia, but alcohol is something used in tinctures. Well, there is milk and a lot of other things that is not in the Pharmacopœia. It is only to reason out the question of beer and light wines. Do we need these wines for sacramental purposes? No one gets up and says we do not, and yet we are allowed in some instances as high as 10 gallons a year. During the time I spent in the Army we were mighty glad to get carloads of alcohol, which was in the form of whisky and liquors.

Mr. HILL. Will the gentleman yield for a question?

Mr. OLPP. I will.

Mr. HILL. Did not the gentleman serve as an Army doctor in the late war?

Mr. OLPP. I did, sir; as a first lieutenant. And you allow us, as physicians, to prescribe spirituous liquors and wines——

Mr. BLANTON. Will the gentleman yield?

Mr. OLPP. I have not the time now. Wait until I have finished the sentence. You allow us to prescribe a certain amount of liquor. I do not use it myself and I prescribe very little of it, but I have prescribed beer following an operation in order to settle the stomach and to stop vomiting, when beer and nothing else would do it. And what I wish to know, from a medical standpoint, is this: If these physicians say we do not need beer, why not enforce the law and do not allow anyone to use it and not limit us in case we should require it and then have us come to Washington and ask the Commissioner whether we can prescribe any more than just a certain amount in case of emergency.

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

Mr. CLASSON. May I inquire how the time stands?

The SPEAKER pro tempore. The gentleman from Wisconsin has 36 minutes.

Mr. CLASSON. And the others?

The SPEAKER pro tempore. The gentleman from Minnesota has 21, and the gentleman from Texas 10, and the gentleman from Illinois 17.

Mr. CLASSON. I yield two minutes to the gentleman from Wisconsin [Mr. VOIGT].

Mr. VOIGT. Mr. Speaker, this bill, among other things, provides that it shall be unlawful for a physician to prescribe beer for a patient. It provides that only whisky and wine may be prescribed, and that the wine shall not contain more than 24 per cent alcohol by volume; that no prescription of wine shall be for more than 1 quart and that a prescription for whisky shall not contain more than one-half pint of alcohol. I understand this to mean that the whisky prescribed by the doctor may be any quantity, but the whole quantity can not contain more than one-half pint of pure alcohol. The bill furthermore provides that the patient may only have one prescription during a period of 10 days and that a physician shall only be furnished with 100 prescription blanks in any period of 90 days, but that the prohibition commissioner for an extraordinary reason may permit a larger number.

I can not support this bill. I voted against the submission of the prohibition amendment and I voted against the Volstead Act and all other prohibition measures, and I feel that experience has justified the course which I have pursued. I have always felt, and feel now, that the prohibition amendment should not be a part of the Constitution. The eighteenth amendment is a freak in the Constitution. The Federal Government was founded for the purpose of enabling the States to do collectively those things which they could not as efficiently do for themselves. It was not intended to transfer to the Federal Government the jurisdiction over matters of local concern.

The framers of the Constitution never intended that the habits of the people should be regulated by the Federal Government. The Federal Constitution is a charter of human rights, and the eighteenth amendment is the only part of the Constitution which denies a human right. I do not think that the people of other States should have the right to dictate what the people of Wisconsin should eat or drink. I have felt and feel now that the people of my State should have the right to determine those things for themselves.

I feel that any legislation which attempts to regulate the habits of the people is bad, because it interferes with the traditional personal liberty for which America has always stood. Prohibition is a moral question addressed largely to the individual, and I believe it is unwise to attempt to legislate morality into the people.

We all know that the enforcement of the prohibition law is a farce. In my judgment, it is impossible to measurably enforce the Volstead Act without the expenditure of a billion dollars a year. Thousands and thousands of people are drinking harmful whisky and other concoctions to-day who, before the period of prohibition, occasionally drank a glass of wine or beer. I do not consider it wise policy to interfere with the personal liberty of a law-abiding citizen because here and there some man can not control his appetite for liquor. In my humble judgment, it will never be possible to enforce prohibition in the United States. Man has always wanted something stronger than water since he has been on this earth, and he is going to get it in spite of all the laws that can be passed. I do not advocate a violation of the law, but I can not close my eyes to the fact that prohibition laws will be violated by the wholesale, because they are not supported by public sentiment.

This bill provides that a doctor may prescribe 100 per cent alcohol or 24 per cent wine for a patient, but he can not prescribe 3 or 4 per cent beer. If Congress thinks that alcohol is dangerous, why do we allow a doctor to prescribe whisky, but do not allow him to prescribe a mild beer? The whole thing looks to me like the rankest kind of hypocrisy. It is proposed in this bill to let a doctor give whisky or wine to the first hundred men who come to him in three months' time. The unfortunate fellow who comes along after the first hundred, and who may need it worse than the first hundred, can not get any. If we are going to allow a doctor to prescribe whisky, we should treat all people alike.

A good deal has been said as to the medicinal value of beer. I know from personal knowledge that doctors have advised people to take beer, and I also know from personal knowledge that a glass of beer has proved beneficial to many patients.

By depriving the people of beer we are creating a disrespect for the law, and we are virtually compelling people to seek strong liquor. There are millions of people in this country who would not drink whisky if they could get beer. I believe that the solution of the prohibition question at this time would be to

permit the people to have beer and light wine. The prohibition amendment does not compel Congress to prohibit beer. The prohibition amendment provides that there shall be no manufacture or sale of intoxicating liquor. The overwhelming evidence is that a 3 or 4 per cent beer is not intoxicating. There is a growing sentiment in the country for light alcoholic drinks, and I predict that in the next few years public sentiment will compel Congress to change the present drastic restrictions.

The prohibition movement in this country has brought about a condition where a rich man can get all he wants to drink. The rich men have filled their cellars and are still able to get it. I have never seen a man who had the money who could not get all the whisky and wine that he wanted. As to him, conditions have not changed; only the system of bookkeeping has changed. The laboring man who can not afford to pay the exorbitant prices is being denied his glass of beer. The American Federation of Labor at its annual meeting at Denver last week, by a unanimous vote, adopted a resolution asking Congress to restore beer. I compliment the Federation on its good sense.

Let us pass laws which have the support of public sentiment. It is a dangerous thing to pass laws which we know are going to be violated by the wholesale, because it will breed a disrespect for all other laws. I am not going to vote for a law which will make hypocrites, liars, and thieves out of the American people. [Applause.]

Mr. CLASSON. Mr. Speaker, I yield three minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Speaker, I voted against the eighteenth amendment on the ground I did not believe in putting social legislation into the Constitution, and I think that vote and the vote of the others who thought as I do, has been amply justified by the result, for I do not think that the cause of temperance has been helped but rather injured by that amendment. I do not see the wisdom or necessity of continuing to make more drastic the provisions of the Volstead Act, which has not been enforceable but is being less and less observed, so that in the section of the country I know about there appears to be more and more drunkenness every month. Now, a bill which permits the prescription of spirituous and vinous liquors running anywhere from 50 down to 10 per cent of alcohol and prohibits the prescription of liquor which is only 4 per cent alcohol can hardly be defended on logical grounds. I can not enter in the short time at my disposal upon any discussion as to the value of beer either as a tonic or medicine, but I expect to incorporate as a part of my remarks a letter which I have received this very day from Mr. William P. Hornaday, of New York, a New York man, whom most of the people of the United States recognize as one of the greatest naturalists, one of the leading scientists of this country and of international reputation.

He says:

STAMFORD, CONN., *June 24, 1921.*

Hon. SCHUYLER MERRITT,
*House of Representatives, Washington, D. C.*

DEAR MR. MERRITT: When sweeping prohibition reaches the cot of the sick man and the chair of the invalid, it is time to cry "Halt"!

We are living in the United States of America, and not in fanatical India, where a Hindoo will die of starvation rather than save his life with food prepared by Christian hands.

In my own behalf, and in behalf of an uncountable number of Americans whose views I reflect, I denounce the policy of no malt drinks for medical uses, and I demand the enactment of a sane and just measure that will provide beer, ale, and stout when prescribed by reputable physicians as medicine. For all sick persons I demand a square deal.

I am a strict temperance man. I hate saloons and gin mills; I disapprove of all those who sell whisky, brandy, rum, and gin for use by well and strong men as beverages. My father was a tectotaler. I was a teetotaler until I was 20 years old. When my life was saved in the jungles of India by a well-known malt beverage I learned the value of such remedial agents. Thirty years ago I learned the high value of another malt beverage as a cure for impoverished blood and anemia.

I now could cite from my own experience a striking occurrence of very recent date, but to do so in this letter would invite derision from those who disapprove my proposal. The matter is too serious for ridicule, and I will reserve it for a different occasion.

Through you I call upon the House of Representatives to be reasonable next Monday and to refuse to invade the hospital and the sick room with a Brahminical law against the use of malt beverages as medicines. I call upon Members of the House to be sane and just minded Americans, and not the slaves of one idea alone. The folly of too much prohibition already has been demonstrated. Why drive temperance people into the ranks of the wets? Give the sick man a square deal. Give the invalid the benefit of any doubt that may exist. The American people can not be turned into Hindoo devotees by an act of Congress.

I call for a new deal next Monday. I call upon the "drys" in the House to be as good temperance men as I am and to provide malt beverages for sick people who are certified as in need of them.

Yours, for sanity and justice,

WILLIAM T. HORNADAY.

The SPEAKER. The time of the gentleman has expired. The Chair would suggest to the gentleman from Connecticut and to the House that the permission to extend remarks is limited to the Members' own remarks.

Mr. MERRITT. I ask unanimous consent to extend my remarks. I have read this in my own remarks. [Cries of "Vote, vote!"]

Mr. CLASSON. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN of Pennsylvania. Mr. Speaker, I have listened very attentively to the various men who have made talks on this prohibition proposition. I would like to be consistent, and I think from the calls for a vote at the present time there must be a number drier than I am, and that is "going some." I voted against prohibition when I was in the House before, and I am glad I did so, because the experience of the past two years proves that it has been very injurious to men. They let it out in carload lots at 190 proof. They will not let out a good rye six or seven years old, at 110 or 150 proof.

The matter with the men who advocate prohibition is that they are making too many laws. I trust every man will live up to the law. I like to do so. But whether a man preaches prohibition or not on this floor, I am very often asked, "Mike, where may I get a good, strong stimulant?" They do not say, "How do you get it?" [Laughter.] Therefore I am opposed, not to a sensible prohibition law, but I am opposed to this particular bill, telling medical men what they shall prescribe to the patients when the patients are not yet taken sick, and not what they will give them when they are taken sick. It is one of the strangest things to me. Light wine and beer are good, but you want the 100 per cent proof if you desire a pure stimulant. I am in favor of letting it go as it always was, regulated by Government supervision, and not by prohibition measures and enforcing officers who probably do not like to enforce the law. Like ourselves, they make a law for themselves, and they do not let it strike home to the men who have it in their cellars, the rich men. They can enjoy it, and there are no questions asked whether they had it before the storm set in three years ago or not, but the poor working man, who has but a small mite, and who returns from the rolling mill at night tired and in need of a stimulant, should be considered. And the day is fast approaching when he will be heard from. And God speed the day. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].

The SPEAKER. The gentleman from West Virginia is recognized for five minutes.

Mr. GOODYKOONTZ. Mr. Speaker, so far as my observation goes, all the gentlemen who have opposed this legislation, according to their statements—I do not challenge their veracity—have been teetotalers for many years. I presume it therefore follows as a natural consequence that those of us who favor the bill are anything but teetotalers. Consequently, if that impression be correct, we not only have to save ourselves, but we have to save the country.

My distinguished friend from California [Mr. KAHN], who was on the floor a while ago, undertook to justify the opposition to the bill upon an incident that occurred in the Garden of Eden. But I am now here to tell the gentleman that I know men in this House—no; perhaps not in this House, but in the country—who would ride a jackass into the Garden of Eden and hitch him to the tree of life. [Applause.]

The measure before us is founded upon a constitutional provision, a fundamental organic act of the people, and it remains for us to carry that provision into execution. The matter of the enforcement of the act remains for the administrative department of the Government. Whenever the time shall arrive, if it ever does arrive—and I do not expect it to come—when that law shall collapse, break down, and fail, then the representatives of the people, reflecting the opinion of the people in their districts, will take whatever measures may be necessary looking to an orderly change in that organic act. But so long as the Constitution remains in its present form, just so long the duty is superimposed upon every Member of this body to carry into execution the mandate of the people to the very best of his ability.

Law is but crystallized public opinion, and whenever public opinion ceases to reinforce an act, then that act will no longer have any force or effect, because it will not be enforced. But that time has not yet arrived, and in the light of intelligent public opinion of this country, in view of the hope and the aspiration of the Nation, and of every integral member thereof, we have every reason to believe that this adventure—if I may call it an adventure—into a new domain of law, something never attempted before in morals and in ethics, will in the end redound to the honor and the glory of those who conceived it and of those who put it into execution. [Applause.]

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

The SPEAKER. The gentleman already has that privilege.

Mr. GOODYKOONTZ. I yield back the remainder of my time.

The SPEAKER. The gentleman yields back the balance of his time.

Mr. GOODYKOONTZ. I yield that time to my colleague from West Virginia [Mr. ROSENBLOOM].

The SPEAKER. The gentleman from West Virginia is recognized for one minute.

Mr. ROSENBLOOM. Mr. Speaker and gentlemen, I occupy a peculiar position, as evidenced by the fact that my colleague from West Virginia [Mr. GOODYKOONTZ] was kind enough to yield to me the remainder of his time.

I was somewhat amazed at the arguments that have been presented here to-day. I understood the discussion would be confined strictly to the provisions of this bill, but I was very much amazed to find that practically the entire time has been consumed by men of many years of experience in this body in the discussion of a measure that was not before us at all. The principal argument I heard and the greatest amount of time was used in the discussion of the merits of useless legislation.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. SABATH. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. HARDY].

The SPEAKER. The gentleman from Texas is recognized for one minute.

Mr. HARDY of Texas. Mr. Speaker, I intend to vote against this bill. I know there are dishonest doctors, and the reason for the framing of this bill is to prevent dishonest doctors giving dishonest prescriptions; but this bill, in effect, is an indictment of the entire medical fraternity, and a governmental dictation to them in their practice of medicine. I do not believe they deserve it. This bill does not decree that spirituous and vinous liquor is not a medicine. In fact, it declares the contrary, and then fixes what quantity of it may be given to restore health or save life.

Furthermore, if a prescription for a pint of whisky for 10 days' consumption by a strong man is a prescription at all, it seems to me it is a ridiculous one. I am speaking honestly and straight about it. The truth of the business is, I never touch it myself. There was a time when I used it. I know what it is. I know what evils come of drunkenness. But I will not indict the entire medical profession because there are some dishonest doctors, just as there are some shyster lawyers. [Applause.]

Mr. Speaker, this bill is spoken of and advocated as an anti-beer bill. It is claimed that because the ex-Attorney General ruled that beer might be sold to a sick person on a physician's prescription this bill is necessary in order to prevent breweries being reestablished and saloons reinstalled to make and sell beer on prescription. But that is not all or even the more important part of the bill. Beer may not be a medicine of any virtue whatever. If we as a lawmaking body are willing to assume that we know that, we may forbid its prescription. I, for one, am not willing to invade the sphere of the physician and direct him what he shall not in any case prescribe. But even that, in my judgment, is a minor matter, as, to say the least, beer is rarely prescribed by physicians in critical or immediately dangerous sickness.

As I understand it, it is prescribed as a tonic, in rare cases. The more serious part of the bill has to do with spirituous and vinous liquor. Certainly when the States ratified the amendment prohibiting the manufacture, sale, or transportation of intoxicating liquors for beverage purposes, they did not thereby authorize Congress to practice medicine or prescribe the kind or quantity of medicine that should be given in the treatment of diseases.

Let me quote the bill:

> No physician shall prescribe * * * any vinous liquor that contains more than 24 per cent of alcohol by volume—
>
> Or—
>
> on any prescription more than one-fourth of 1 gallon of vinous liquor, or any liquor that contains more than one-half pint of alcohol for use by any person within any period of 10 days.

If that provision of the bill is wise, then, I say, a wiser provision would have been one prohibiting any prescription whatever of the kind named. I do not believe any doctor or any man of common sense will claim that a patient might for medicine need in 10 days as much as one-half pint, but could not need a spoonful more, regardless of the nature of his sickness.

Vinous liquor or other liquor containing alcohol either is good for medicine or it is not. If it is good, the restriction named is ridiculous; if it is not good, why was it not absolutely prohibited along with beer? If I had followed the path of least resistance, regardless of my judgment and convictions, I would have said nothing and voted for the bill, but, believing as I do, I could not vote that way and preserve my self-respect. I intend, without any reservation whatever, to vote for any law necessary to the full enforcement of the eighteenth amendment—that is, the prohibition of the manufacture, sale, or transportation of intoxicating liquor as a beverage—but I do not believe I am authorized under that amendment to practice or prescribe medicine or dictate to the medical school what it shall prescribe.

On this branch of the question let me quote a statement made to me by a Member of the House who is a physician and as honest a man as I know. This is his statement:

> Under the eighteenth or prohibition amendment of the Constitution of the United States a licensed physician is permitted to prescribe intoxicating liquors for medicinal purposes. The Campbell-Willis or so-called Volstead supplemental bill limits the quantity of alcohol that the licensed physician shall prescribe to a half pint in 10 days, and prevents the use of beer for medicinal purposes. Should this bill become a law, what would happen to a reputable licensed physician if he treated two patients as follows:
>
> First, a man with acute pneumonia and a failing heart, in which it will become necessary, according to his judgment, to prescribe a quart instead of a pint of whiskey during the 10 days. Hughes' Practice of Medicine, one of the best authorities we have, tenth edition, pages 138–139, says:
>
> "Heart failure being one of the most common causes of death in pneumonia, it is very important to sustain the heart from the very beginning. Alcoholic stimulants, judiciously employed, are most efficient means of preventing or overcoming the cardiac failure. The amount can only be determined by a careful study of each case, as a few ounces in the 24 hours may answer in one, while another may require 8 or 10 ounces. The indicator of the heart's condition is the pulse."
>
> It is not reasonable to believe that an intelligent patient would prefer to accept the dose prescribed by Dr. Congressman rather than the dose prescribed by the physician who has studied anatomy, physiology, and materia medica for the purpose of treating scientifically and intelligently. At any rate, suppose a conscientious physician, in order to save this patient, prescribes 2 quarts instead of 1 pint within the 10 days; what could the court do to him under the circumstances? Would he not be within his constitutional rights?
>
> Second. Suppose a reputable licensed physician is called to treat a case of nausea and vomiting in pregnancy and this patient is on the verge of starvation and heart failure. Suppose, further, in his judgment, that alcoholic stimulants are needed, and the patient is unable to retain whisky or wine, and he prescribes beer containing over one-half of 1 per cent and she retains it with marked improvement. Beer containing over one-half of 1 per cent having been declared by Congress an intoxicant, and the Constitution permitting a physician to use alcoholic intoxicants for medicinal purposes, what would become of the physician under those circumstances? Would a court hold that he was within his constitutional rights or a violator of the law? We know, for instance, that quinine is recommended for malaria. What lawmaker would want to confine a physician to the use of two preparations of quinine only, when we know that there are patients with certain idiosyncracies who do not retain one preparation and who retain another. The same applies to any other medicine in the materia medica.
>
> The Constitution permits spirituous, vinous, and malt liquors for medicinal purposes. The Campbell-Willis bill permits the use of whisky and wine, but prohibits the use of beer for medicinal purposes.

Mr. Chairman, it is argued in support of this bill that it is a good law, because many physicians do not ask for a license or permit to prescribe alcoholic stimulants. If that proves anything, it proves too much; that is, that such prescriptions are not required; and if that is true, and the framers of this bill so believed, why did they not prohibit absolutely any such prescription? The truth is, I am told, that many physicians do not take out such permits, because they do not want to be harassed and bedeviled, either by unworthy applications for prescriptions or by overzealous and all-powerful enforcement officers, who might besmirch their names as honorable practitioners.

Another paragraph of the bill gives one physician 100 prescriptions for use in 90 days, and no more, unless, with due humility, he approaches and applies at the throne of grace, the seat of the commissioner, with fullness of proof to satisfy this official that some extraordinary reason exists for a larger amount.

How many miles he must travel, how long a time it will take, how much proof he must furnish, will depend on the location and character of the commissioner. Mr. Chairman, I will gladly vote for any law to punish, and punish severely, any physician who prostitutes his high calling by giving liquor prescriptions to those who only want it as a beverage or who do not need it as a medicine, but I do not believe our people want this law or such a law as this. It was never intended that legislation should treat diseases or stand between the patient and his physician. What evils may follow in the wake of such a law no man knows. We have not yet quite reached the necessity of indicting and pronouncing unworthy of trust a whole profession, and especially that profession which in its ministrations approaches those of the Divine Healer more nearly than any other.

Mr. CLASSON. I yield one minute to the gentleman from Wisconsin [Mr. LAMPERT].

Mr. LAMPERT. Mr. Speaker, I voted against the original Volstead Act and I voted to sustain President Wilson's veto in reference to war-time prohibition, and I am still here. My opponent in the primary, a former member of the Wisconsin

Legislature, was indorsed by the Anti-Saloon League. During the primary campaign I caused to be published in the newspapers an extract from my platform to the effect that I was in favor of light wines and beer. My plurality was over 10,000 votes. In the general election that followed I received a majority of 26,835 votes and in my home city I received 400 votes more than were cast for President Harding. I refer to this simply to show that the people of the United States are not unanimous in favor of prohibition, even though our prohibition friends would have us believe that this thing has reached a stage were no one dares oppose it. I refer to it further to call attention to the fact that if a candidate for office goes before the people with a platform that is square and honest he can trust the result to the American people every time. My able and brilliant colleague from Wisconsin, Judge CLASSON, in opening the debate in opposition to this pernicious measure voiced my sentiments and voiced my prophecy, when he stated that the time would come "When the American people would rise up and demand a restoration of their personal liberty," saying "A plague on both your houses. We are acting for ourselves." That time will come as sure as I am standing here.

When this day of reckoning comes—and it will come too soon for many of you gentlemen, who vote not your conviction, who vote not in accordance with your own daily habits, but who seem to be in a sort of hypnotic state, lulled to sleep, I fear, by the professional reformers, who have left no stone unturned since the passage of the first Volstead Act to render it so drastic, so un-American, that it is now practically unenforecable. It is charged that a certain able lawyer is the author of this measure, which, if true, is unimportant. I am told he is now sitting in the gallery, satisfied with his work, satisfied that he has pulled all the strings and set all the wires to make this performance this afternoon a sort of colossal Punch and Judy show. I can not blame him; no doubt he is well paid; no doubt he earns it. I understand he is a good lawyer, and, like every lawyer, he is worthy of his hire.

I am not a prophet, neither am I the son of a prophet, but I did venture the prophecy some time ago that our paid professional reformers would undertake to go further, to further inflict their pernicious activities on the American people. I refer to the movement popularly known as "the blue Sunday" movement, which is fully as objectionable, fully as un-American, as the one started years ago, and on which we are putting the finishing touches to-day. This movement is already under way, and I am certain that it has gained such an impetus that in a very short time we will be assembled in this same room to consider bills, privileged like this one, which will prohibit the great majority of the American people, who love liberty, whose fathers and sons died for liberty, from indulging in harmless recreation on the Sabbath. Is it any wonder, gentlemen, that the professional activities of the Anti-Saloon League and other organzations of that ilk are a matter of deep concern to the liberty-loving Americans? That time is coming; they will put it over; and when it comes, God help this country.

I can remember a few years ago, when the prohibition amendment was first seriously debated on this floor, the great war cry of our reformers was "Drive out the saloon," "Drive the breweries out of politics." The great cry was then that the saloons were the breeding places, the hatching places of all crimes, and that once we were rid of the saloon and the brewery the millennium would be at hand. We could tear down our jails, dismantle our insane hospitals, dispense with all officers of the law. Oh, what a wild dream! Crime has increased. More insane commitments than ever before. In fact, gentlemen, the Volstead Act has popularized crime, investing it with a halo of romance. I hold no brief for the saloon of ill-repute, nor the millionaire brewery owner, who would not take notice of the handwriting on the wall. The ill-kept saloon and the brewery owner deserved what they got, and no sane real American can sympathize with them. But what do we find now? These blind fanatics, under the guise of reform, are not satisfied with what they have accomplished, but they now wish to invade the sanctity of the home, invade every man's castle. I am not a drinking man. Twenty-one years ago I came to the conclusion that I had consumed my share, and then I quit, but I do condemn and will continue to condemn as long as there is breath left in my body this unwarranted, vicious interference with the liberties of the American people. Oh, yes; the old cry was "Get rid of the saloon."

Nothing said then about prohibiting a doctor from prescribing alcohol as a medicine. Nothing was said then that would indicate that an American citizen could not indulge in a glass of beer, provided that he obtained it lawfully and did not have to visit a saloon to obtain it, but you see now where your professional reformers are leading you. They are not going to discontinue their activities to-day with the passage of this measure, neither will they discontinue their activities with the passage of the "blue law."

Now, all my life I have tried to be fair and to respect the opinions of others. I have in my district many high-minded men and women who honestly believe in and practice—practice, mind you—total abstinence. I have a high regard for their judgment, for their intelligence, and for their patriotism, and I am satisfied that these same people, if they knew of the vast amount of money used by these professional reformers, if they knew the methods used in behalf of certain legislation in Washington, they would condemn them and their methods as I am doing to-day. We have recently been enlightened through the columns of the Washington papers, and through letters that reached us through the mails, concerning the activities of the Anti-Saloon League in this their national headquarters; in short, gentlemen, they are now fighting amongst themselves, and when these reformers fall out I hope that the old adage will prove true and that the American people may come into their own. Oh, Mr. Speaker, some one has said that "None are so blind as those who will not see." Do not our professional reformers realize that they are going too far, or is it due to the fact that they wish to make the Volstead Act so drastic, so impossible of enforcement, that it will fall of its own weight, and then, perhaps, they can commence over and by so doing perpetuate themselves in office and continue to fool and bunko the great American public? I believe that lobbies of all kinds should be prohibited, or else surrounded with restrictions that would compel them to disclose the source from which they derive their money used to influence legislation. Petitions are not effective now, in competition with our powerful lobbies, with their high-priced trained lawyers and with their smooth, suave, slick, and smiling professional lobbyists. I hope to see the day when the petition method will be the only method outside of a direct appeal by the people, in person, used by the American people to impress their views on their representatives, and so I again repeat, "A plague on both your houses."

The Anti-Saloon League appears to be unusually active in the State of Wisconsin. They do not hesitate in their blind fanaticism to align themselves with big business or any other organization that they might be able to use. It is charged that they are in league with big business in Wisconsin. This may be true, but one thing is certain, they seem to be supplied with abundant funds for all their nefarious purposes. They have even invaded the sanctity of the judiciary, and I am informed that the head of that organization in Wisconsin is now under indictment for violation of the corrupt practice act. I am opposed to this bill, for I believe that beer brewed and aged under proper conditions, sold under proper Government regulations, would be a benefit to the people and to the Government. A tax of 5 cents a bottle on beer would produce an enormous revenue and provide a nutritious beverage in place of the many vile concoctions now consumed. My friend the gentleman from California, Mr. RAKER, quotes from a postal signed by "an ex-drunkard, who began on beer." Oh, that is an old stock argument, citing one instance, when I could cite thousands of instances of my own observation among my constituents who drank beer from early youth and who are still in the land of the living, enjoy the best of health, good, reliable citizens who would never think of taking a drink of whisky. But by depriving them of beer you are driving them to the strong liquor, to moonshine, and to poison, as well as creating in their hearts a hatred and disrespect for the law.

In this bill you have condemned and questioned the integrity of the medical profession, the noblest of all professions. It is, perhaps, true, as the gentleman from New York [Mr. KINDRED], himself a physician, has so well said, "That a few high-brow physicians would deprive 150,000 reputable physicians of their traditional rights and stamp them as quacks and bootleggers." But this is all in line with the other activities of the Anti-Saloon League. This bill is, in my opinion, hypocritical to this extent—it provides that a doctor may prescribe strong liquor, 100 per cent proof, for a patient, and then you say he can not prescribe been containing 3 or 4 per cent alcohol for the same purpose. I can not follow that line of reasoning.

Mr. Speaker, I can not close without taking exception to the remarks made by the gentleman from Georgia [Mr. GILBERT] relative to the German people. We have approximately 12,000,000 people of German descent in the United States, of which 1,000,000 reside in the State that I have the honor in part to represent. It is true that the German loves his beer, for it is a sort of a national beverage, and the true German drinks but very little whisky. It does not make him pot-bellied, as the gentleman from Kentucky said, neither does it make him an undesirable citizen. I am now talking about the true German,

the German that left his home, left the fatherland, to escape the evils of Prussianism, who came here with the same ideals as your forefathers and mine; came here seeking a land of equal opportunity for all. That is the German I am talking about; that is the kind of a German that helped to make, by his industry, his sturdy independence, his thrift, and his self-reliance this great country what it is to-day. I am talking about the German that gave his all to his country, that gladly sent his sons across seas to help conquer the brutal Prussianized German, and to make the world "safe for democracy." I wish I had the time and the space to insert in the RECORD the real record of the German in the State of Wisconsin, the record of how they went over the top in all our Liberty loan campaigns. I may some day beg the indulgence of this House and insert in the RECORD the honor roll of the State of Wisconsin, which will show beyond a doubt that the German contributed his share, if not more than his share, toward winning the war.

Mr. Speaker and gentlemen, I know the majority for this measure will be large. I know that if I had the profound knowledge of Webster, coupled with his eloquence, that I could not change a single vote. Your minds are made up. Put the finishing touches on this infamous piece of legislation known as the Volstead Act. Then pass legislation to stop smoking. Then interfere with the right of the American citizen to spend a part of the Sabbath in innocent amusement. Then regulate what we shall eat and wear. Oh, some of you may smile, but it is coming. Our blessed professional reformers must have something to do, something to keep them busy. You gentlemen will be asked to pass these measures, and if past performances are any criterion of the future, special rules will be again brought in here and will again be threatened with political oblivion unless you bow your heads in humble submission. But when you do, remember that the long-suffering, patient American citizen will some time voice a mighty protest, which protest will be a peaceful political revolution.

Mr. SUMNERS of Texas. I yield three minutes to the gentleman from Georgia [Mr. UPSHAW].

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, first of all I want to emphasize the fact that the friends of the national prohibition amendment have never been in favor of any foolish interference with legitimate business. No such idea has been in the head of the far-seeing chairman of the committee. No such idea has been in the thought of Wayne B. Wheeler, that honest, clear-headed, patriotic man who has given a lifetime to this unselfish, valiant fight.

They have only been anxious that alcohol for legitimate industry should not be made the cloak for all kinds of devilish practices.

Let me here and now help to clear away the brush, if you please, concerning the report spread abroad by the liquor forces that Wayne B. Wheeler, the astute and trusted attorney for the Anti-Saloon League of America, draws a salary of $25,000 a year for his services as one of the trustees of the Anti-Saloon League. I happen to know that his salary is less than one-third of that amount. I happen to know that he recently turned down an offer of salary far, far larger than he is getting now because his comrades and his conscience forced him to remain at his post of duty—that duty that called him with compelling insistence when he was a boy of brilliant promise at Oberlin College 28 years ago, leading him into a life of sacrifice and service where his white plume, like Henry of Navarre, has waved on a thousand battle fields, where right has charged the citadels of wrong from the Atlantic to the Pacific. No wonder the liquor leaders traduce and malign him, for he has led the fight that put them out of business, and he is now our honored, trusted leader as we declare the debauching saloon shall never come back. [Applause.]

I want to say in the next place that I am in favor of the passage of this bill, because the failure to pass it would mean the reentrance of the German brewer into our economic robbery and our American political life, and that is something that good men do not desire and brave men, thank God, will not allow. [Applause.]

In the next place, I wish to reply to my genial friend from New York [Mr. GRIFFIN] and emphasize the mistake in saying that this constitutional amendment loses its sacredness and its binding force because it represents the sentiment of only a part of the American people. I remind him and those who hold with him that this amendment has been added by ordinary constitutional process. I remind the Members of this House that all constitutional amendments that have been added since the birth of our Nation and the adoption of our Constitution have been put there as the expression of a part and not of all of the American people. The amendment concerning slavery, the amendment concerning equal suffrage, the amendment concerning prohibition, all express the thought of a part, indeed, a majority, of the American people.

PROHIBITION LAWS OF GOD AND MAN.

And let me say in reply to the many declarations that it is "dangerous to tell men they must not," that an argument of that kind would abrogate practically every law of God and man from Sinai down to Washington City.

I say it seriously and with grave concern. I think it is one of the saddest hours I have ever known for the youth of America, who constitute "the to-morrow of this Republic," to read from the floor of the American Congress the statements of leaders who have sworn at this sacred desk to stand by the Constitution of the United States and for the enforcement of the law, these defiant utterances against this bill, when almost every such utterance will encourage the breaking of this law all over America. [Applause.] And if this law, born in unselfish love for humanity's happiness and enacted as the result of the demand of the overwhelming majority of the people of this country—if this law is to be trampled with impunity—if its sacredness is to be scouted and its majesty flouted even by Members of the Congress that passed it, then I ask, in God's name, what is to become of the youth of America, and what is to become of the supremacy of the American flag at home, the respect for our flag abroad? The opponents of this bill are playing with both individual and national destiny.

WHAT IS IT THE GENTLEMEN WISH?

As I think of the attitude of the opponents of this remedial prohibition legislation, I find myself unable to forget the words of a certain brilliant and worthy patriot named Patrick Henry—words uttered at a time of a great crisis in our colonial life, and paraphrasing his words a little, let me ask, What is it the gentlemen wish? What would they have? Is political life so dear—are votes so sweet as to be purchased at the price of encouraging individual lawlesssness and practical anarchy? Are the galleries at home so bacchanalian in their tastes, so defiant in their attitude, and so powerful in their influence that their applause must be won at the expense of the majesty of constitutional law and the debauchery of American youth?

What is it the gentlemen wish? What would they have? Do they stand out and out for the overthrow of the eighteenth amendment? Let me remind them of the necessary procedure? If that is what they really seek, they must secure a constitutional majority in both branches of Congress and then secure 36 States in the American Union to ratify the repeal of the national prohibition amendment. And that will occur just the day after Gabriel blows his trumpet and declares that time shall be no more. [Applause.]

A PIECE OF HOPELESS FOLLY.

I grant you that if enough "wet" men were elected as State legislators, Congressmen, governors, and Senators the law would be wiped out in a day. But we put you on notice that the friends of this law—the greatest moral triumph that any nation has ever known—do not intend to allow it. Thank God, they will not be found asleep at the switch! And inasmuch as your fight for repeal is absolutely hopeless, let me ask again: What is it the gentlemen wish? What would they have? Do they intend by personal and official example in the Halls of Congress to give aid and comfort to lawbreakers and liars all over America? Do they intend to join the former governors of New Jersey and Maryland, who led their own legislatures to pass a beverage act allowing 3½ per cent alcoholic content when our national law allowing only one-half of 1 per cent was overwhelmingly passed by this House?

Do they intend to unite their influence with that of the former governor of New York, who led the legislature of the Empire State of the Union to pass a 2.75 per cent license in defiance of the national law? Do they intend to take their place beside the Roman Catholic priest in Brooklyn, who a few months ago shook his fist at the American flag by urging his parishioners to trample under their feet this prohibition law, which interferes with their "personal liberties"? In short, do they intend to defiantly tell that benevolent old gentleman, "Uncle Sam," to come down from his high place of constituted, constitutional authority and go pell-mell to the place "where it does not snow"?

Let us get down to "brass tacks," whatever that means. Their opposition to an honest effort to strengthen our national prohibition law can have but one effect, and that is to help the cause of the lawbreaker everywhere. Is that what the gentlemen wish? Then these same gentlemen who ought to be standing like a stone wall in Congress and at home for the majesty of the law have their doubtful and dangerous reward.

If they take comfort in the retort of their erstwhile colleague who is now president of the Borough of Manhattan that we have "moonshine stills" in the mountains of Georgia and Kentucky, I remind them that these illicit dives of devilment are only the defiant expressions of the appetite begotten by the legalized liquor traffic; that we are making a valiant effort to put them out of business without any help or encouragement of the devotees of "wetness" on the floor of this House; but, after all, I remind you, as I reminded him, that I suppose it is not much more harmful for the Georgia mountaineer to make a "leetle" for home consumption than it is for the "wet" representatives of "wet" communities to make "moonshine" speeches here in Congress purely for "home consumption."

But frankly, my colleagues, the issue is too great for lightness of speech. To those who claim that the American workingman has a right to demand his beer I answer that the brave, sober workingmen of my section, thank God, do not want beer. They recognize the fact that beer can not be had without breweries, and breweries mean the corruption of our politics and the sodden debauchery of millions now living and countless millions yet unborn.

CHEAP OPPOSITION AND SOLEMN RESPONSIBILITY.

It is cheap, the cheapest kind of fruitless criticism for the opponents of this remedial legislation to answer with a taunt and a jeer that the weakness of the prohibition law is found in the fact that too many voters, too many in "high society," and even some Congressmen, "vote dry and drink wet" at Christmas times and other times. That charge gets nowhere. I love my colleagues. I honor my colleagues. But I do declare that in face of the fact that a majority of the people of the United States voted in their respective States and communities to outlaw this devilish thing, in face of the fact that both branches of Congress voted by constitutional majority to outlaw this devilish thing, in face of the fact that the Supreme Court of the United States handed down the high decision ratifying the outlawing of this devilish thing, any private citizen or any Member of Congress who will buy blind-tiger liquor with which to celebrate the birthday of Jesus Christ, or who will connive with any bootlegger to trample the laws of God and man, is a reproach to the church to which he or she belongs; that citizen is a reproach to the flag that has been made "stainless flag"; that citizen is a menace to sobriety and clean government and a travesty on patriotism; that citizen is a poor example for his own children and a dangerous leader for the young manhood of America. [Applause.]

Mr. SABATH. I yield 13 minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, it has been said with much emphasis by supporters of this measure that they have heard no arguments with which they have not been made familiar during the discussions of the Volstead Act. I do not think they have contributed many new arguments themselves, unless it be the one advanced by my friend from California, Judge RAKER, who struck the rather novel method of producing an anonymous communication containing a preposterous statement, and then attributing it to opponents of this bill as the argument they have advanced upon this floor.

Mr. RAKER. Will the gentleman yield right there?

Mr. COCKRAN. I will not. I have not the time. If you will get me a little time at the end, I will gladly yield for all questions that gentlemen wish to ask; but I must entreat gentlemen to let me finish what I have to say now in my own way, because my time is very brief—utterly insufficient to let me make clear the very momentous character of this proposal from the aspect that I hope I can place, though inadequately, before this House.

This is not a measure to enforce the prohibition act. It is a measure to prohibit medical science from exercising in full measure its beneficent influence. It aims to circumscribe the possibilities of remedial agencies for remedying the ills that beset humanity. It represents in the highest degree the measure to which intolerance can go when it is reinforced by a pretense of moral justification.

Mr. Speaker, in this proposal we are brought face to face with the oldest tendency that at recurring intervals has wrecked free governments. The very essence of this Government, the very essence of liberty, is that in matters of personal morals the State has no right to invade the domain of conscience.

If the State Government can prohibit the remedies medical science would prescribe to remedy human weakness and human suffering, then there is nothing it may not prohibit. It may forbid the use of tobacco, of tea, or coffee—even of milk. From prohibitive to command, the step is short and easily accomplished. If it can forbid certain articles it can commend others. If the State can tell me what is best for myself and my family, then, as one gentleman said, it can prescribe my daily attendance at church, it can prescribe morning and evening prayer, and specify the length of it. To do all these would not be half as extravagant as what they have attempted here. It is true that in this measure the Government aims to improve morals—and by improving them elevate conditions—but that is precisely its dangerous feature.

I want to call attention of gentlemen to this historical fact: Never yet have tyranny and prosecution been started to make men bad. It has always had its origin in misdirected and misjudged attempts to make them good. Why were men burned at the stake, why were over 70,000 men and women burned at Smithfield during the reign of Henry VIII? What was the reason assigned for this butchery by its author? Why, to save their souls from the perversity of their bodies. [Laughter.] And when some professed themselves ready to recant and conform to the religion the sovereign had established they were killed anyhow, lest they might once more relapse into infidelity; that is to say, into disbelief of the religion which the sovereign considered the only one consistent with the truths of Revelations. If, then, we allow the Government to decide for us what morality requires and enforce its decision with the club of the policeman, we open wide the door through which tyranny and persecution have always entered.

The gentleman from Ohio [Mr. BURTON] has stated that this legislation has resulted in an improved condition of morals, in turning the dull eye of drunken despondency into the brilliant eye of hopeful anticipation and the staggering gait into a manly tread. I think I am quoting him correctly. I answer him that instead of having restricted intoxication this prohibition has by the judgment of persons best qualified to know increased it.

This widespread growth of intemperance since the Volstead Act was passed justifies the statement made here by several gentlemen on the floor that it is absolutely impossible to enforce morality with a club. The vehement gentleman who just vacated the floor stated that because some of us object to the multiplication of prohibitions against the free actions of citizens, therefore we are in revolt against the law of man and the law of God. We recognize that certain prohibitions are essential to the welfare, indeed, to the safety of all society. But it has all been a fundamental principle of American constitutionalism that the Government which we conceive to be best, that system which we hold to be the soundest, is the one where prohibitions are the least in number. Mr. Speaker, if this attempt to establish morality by penal statute should succeed, then this Government must be subverted. A better one may replace it, but it must be a different one.

There is one feature of this Government wherein it differs from all others. It is fundamental and rests on a certain conception of humanity which underlies no other political system. It acknowledges that man is depraved naturally to some extent, but while he is capable of sinking into depravity unspeakable, so also is he capable of improvement immeasurable—improvement so vast that the Creator himself could come on earth and assume human nature—not the semblance of it, but the substance of it—without suffering any injury or abasement to His divinity.

This Government is founded on the belief that the American people embody the very highest moral excellence, and therefore that they are the fittest depository of power which ever has been found on this earth.

The corner stone of our political system is this belief—that power intrusted to the people will always be exercised to maintain morals and enforce justice. Our laws can never be the source, but always the product, of popular morality. If public opinion does not sanction, nay, if it does not demand enactment of any law, then, though passed a hundred times by Congress, it will remain a dead letter on the statute book.

This measure is founded in deepest distrust of the whole American people, on a belief that without the restraining club of the policeman they will sink into the worst depravities of intemperance.

If this belief be justified, then no law of this character can possibly be enforced. Without public opinion, as one gentleman supporting this measure said here, no law is of any force or vigor whatever. Placing it on the statute books gives it no life. That merely makes it a fountain of disorder, of blackmail, of corruption.

The late James C. Carter, who, I think, it was universally admitted was the greatest constitutional lawyer who appeared in this country since John Marshall adorned the bench, devoted the closing years of his life to preparation of a series of lectures on the fundamentals and essentials of law.

Those lectures he intended to deliver at Harvard University, but death intervened and prevented accomplishment of that purpose. However, they were fully completed. The substance and purpose of them all was to show that all law is merely custom. No law, he insisted, had any force unless it embodied a custom created by the daily doings of men in their ordinary avocations. What we call a statute is merely the determination of a political society to enforce upon a recalcitrant minority obedience to a custom already established by the majority. The instances that he gave to vindicate his thesis were, first, the absolute failure of the fourteenth and fifteenth amendments to secure the right of suffrage to the Negroes in the Southern States. These amendments were supported vigorously by the Federal and the State Governments, by the Army and the Navy, by the Supreme Court, and a powerful newspaper press. Yet they failed. They are to-day dead letters because the public opinion of those States regarded enforcement of them as incompatible with civilized conditions. And it is a fact to-day, of which southern men may well be proud, that they violated these constitutional amendments and excluded human beings who were unfit for the suffrage from the exercise of it, and by that act raised Negroes in the South to a degree of prosperity they do not approach in any Northern State. In the North we allow them to vote, but we do not let them work. In the South they are not allowed to vote, but they are allowed to work. And, thank heaven, the Negro, reduced to a choice between living where he could vote and living where he could work, has elected for work. He has quadrupled in the South. He is acquiring property there and attaining a position that could not have been anticipated or even conceived a few years ago. That impressive result was achieved through resolute and persistent violation of two constitutional provisions, of the civil rights act, of all the laws that were passed during that period of reconstruction, nullification of which was the salvation of the South and, I think, a tremendous contribution to the welfare of the whole country. Yet gentlemen from the South are vehement now in declaring that because this is a constitutional amendment it must be observed.

The other instance that Mr. Carter was wont to give in support of his view was the failure in New York City of laws somewhat similar to this enacted by the State legislature. The liquor laws were never enforced in New York City. Local administrations came into power pledged to enforce them, determined to enforce them, and every one ended in failure. Why? Because, as Mr. Carter well described it, these legislative acts were all attempts to impose the customs of Chautauqua County on Manhattan Island. There would have been no necessity for coercive measures to enforce these laws in Chautauqua County. There public opinion approved them, but they could not be enforced in New York City because there public opinion condemned them.

It is really useless to discuss or consider whether that public opinion is good or bad, sound or unsound. It is the opinion of the locality, and that being the case you can not enforce a law in violation of that opinion. You can not get juries to convict persons accused of violating it. And though you may get officers willing to prosecute them, those prosecuted will always result, as the able gentleman from Massachusetts [Mr. GALLIVAN] said, in a hand stretched out behind the back for the secret, sordid argument of corruption to induce aversion of the official head when violations occur and in withholding the hand of violated law from the shoulder of the offender.

It has been the untold experience of society that whenever laws of this kind are passed they lead to an unlawful and unwholesome system of licensing violations of them, the proceeds of which licensing do not find their way into the Public Treasury but into the pockets of officers as the tribute of corruption.

Mr. Speaker, in the light of all this experience it must be clear it is utterly impossible to enforce in any locality a law that is against the opinion of that locality. This particular law may be enforced in other localities. But it can not be enforced in New York. And there is one reason which makes it doubly impossible to be enforced. This law invades the domain of medical relief. Think of it, sir! A gentleman here has said that there is no such thing in the Pharmacopœia as a prescription of alcohol or beer. Of course there is not. They do not belong to the domain of prescriptions.

Prescriptions are cabalistic figures, comprehendible only by druggists, which result in certain compounds or drugs that are believed to have remedial effect. But as one gentleman supporting this bill said here to-day, the tendency of medical progress now is to avoid prescriptions, or drugs, and fall back upon the regulation of food. It has become an axiom of modern science that men frequently dig their graves with their teeth. Indeed, it claims that more graves are dug with teeth than with spades. It is the improvident use of food with which physicians now concern themselves. One recommendation made by many doctors—and every doctor here on the floor has testified to it from both sides of the House—is the use of beer and ale in moderate quantities to meet certain physical conditions. This would not be a prescription but advice for regulation of food. And now you step in to prevent this. And, pray, who are you? I ask gentlemen not for a moment to think that I am belittling them. But I say that by comparison with the learned men who advise use of beer or ale in certain cases, you are ignoramuses on the subject, and yet you, ignorant of medical science, proceed on some testimony collected here and there from nameless witnesses, against the whole body of scientific opinion, and say that no matter what science may judge essential to the welfare of humanity, forbid—prohibit—the attempts of medical skill to reduce the miseries of the world.

Mr. Speaker, I am not now saying anything about the original Volstead Act. That is here, and I have no doubt in the world that, some way or other, it and the eighteenth amendment will be made ultimately to conform with the opinion and sense of right in each locality, as those two amendments affecting Negro suffrage have been made to confirm the supremacy of the white race in the Southern States. [Loud applause.]

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

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I have not heard a voice here to-day from Illinois except on the other side, and I want to say that the State of Illinois is for the passage of this bill. As far as I am concerned, I do not agree with the gentleman who said a minute ago that "he voted against the original bill and was glad he did it." I want it understood, Mr. Speaker, that I came down here two years ago with 140,000 majority and voted roll call after roll call for this thing and every voter in the State of Illinois knew it and they sent me back here with 799,000 majority. [Applause.]

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

The SPEAKER. The gentleman from Texas [Mr. BLANTON] is recognized.

Mr. BLANTON. Mr. Speaker, the whole argument against this measure is based upon three erroneous assumptions: First, that it can not be enforced, as, especially in the State of New York, citizens generally will violate it; second, the poor workingman thereby will be deprived of his beer; and, third, the American Federation of Labor, from its convention in Denver, Colo., has demanded beer and light wines, and that, forsooth, it will be dangerous to Congressmen in future elections to now disobey its mandate.

Mr. Speaker, it is incumbent upon our President's administration to enforce the law of this land, constitutional and statutory. If our President's administration does its duty—and I believe that it will—it is going to strictly enforce the prohibition laws throughout the United States, even in the so-called outlaw State of New York; and if they continue to violate it there, as was asserted by our friend the gentleman from New York [Mr. RYAN] is generally done there, some of his law-ignoring, beer-drinking constituents there are going to land in the Federal penitentiary unless they reform. It is "Uncle Sam's" law they are going to violate. It is a jury in a Federal court they are going to face, before a Federal judge, and be prosecuted by a Federal district attorney, all of whom are not like our distinguished young friend from Maryland [Mr. HILL]. And ultimately these law breakers are going to ascertain to their sorrow that there is no "monkey business" in Federal courts where our laws have been ruthlessly violated. And if you good Republican brothers of ours under your administration of public affairs can not enforce the laws then the people will put somebody in your places with different administrative policies.

Even should this bill fail of passage, it is not going to be the poor workingmen who get these beer prescriptions in New York. They will all be gobbled up by the rich millionaires in that metropolis, who will be at the head of the line and take them faster than the New York physicians can issue them. This bill is for the millionaire beer drinkers of New York.

Mr. COCKRAN. Their supply is already in.

Mr. BLANTON. Our New York colleagues who are so active to-day are speaking for their millionaire beer-drinking constituents and not for the poor workingmen, concerning whom they seem to be so solicitous.

Prescriptions for beer as medicine will cost money, and doctors charge rich men more for prescriptions than they do workingmen. And doctors are limited in the number of prescriptions they may issue for liquor. Hence will they not be tempted to issue all such prescriptions up to their limit to rich men, and not issue any to the poor workingman? Because they know that beer is not a medicine, and that really the man will be better off without it, hence they will ease their conscience with the thought that after all they have not denied the poor workingman any medical relief, which under all other circumstances all doctors so readily and generously accord.

This subject has ceased to be a question of pro and anti, but has become a question of obedience to or disobeyance of law. It is a question of upholding the fundamental law of the land. Are you going to uphold the Constitution or turn it down?

Mr. TINKHAM. What about the fourteenth amendment?

Mr. BLANTON. It is all right. I uphold it as well as every other part of the Constitution upon which our Government is founded.

But, Mr. Speaker, the distinguished gentleman from Kansas [Mr. CAMPBELL], in spite of all of whose faults we all love still made a sham battle upon the proposed Volstead bill, a rule for which he denied, and made a pretense that its passage would have been impossible. He knows better than anyone else that he could have reported a rule out of his committee, making it in order just as it was without amendment, and could have limited the debate on it to one hour, or to any other specified time he saw fit, and provided for the ordering of the previous question at the end of such debate, and could have had a decisive vote on it to-day, long before this time had he so desired, but he did not so desire. He would give no such rule for the Volstead bill. But he himself took therefrom two sections and introduced the same in the House as his own bill, and gave the Judiciary Committee to understand that they could take that or nothing. But he is not fooling anybody. All of the prohibitionists of the United States fully understand the situation, and his modus operandi. And in a similar way he killed the antisedition bill, at the instance of Samuel Gompers, when radicals were daily preaching revolution and the overthrow of our Government and when 85 per cent of the good people of the United States wanted it passed.

Are you under obligations to obey the mandate of Mr. Samuel Gompers and the American Federation of Labor on this question? I am not. He has ordered his men to disregard the mandate of the Supreme Court of the United States, when it did not suit them. He said at Denver the other day that he was not willing to trust this Government with the destiny of laborers. I differ with him fundamentally.

Mr. CLASSON. I yield two minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE. Mr. Speaker and gentlemen, I would not be doing my duty to my country or to labor if I did not reply to my colleague from Ohio [Mr. COOPER]. Mr. COOPER calls the attention of Congress to the vote of the American Federation of Labor on this question and says that the American Federation of Labor does not speak for labor. If the delegates elected to and attending the convention of the American Federation of Labor do not speak for and represent labor, then the Members elected to this Congress do not speak for or represent the people of this country. The delegates to the convention are elected by the votes of their membership and go to that convention to carry out the will and instructions of the class of labor they represent. Members of Congress are elected by the votes of their constituents and are sent here to carry out their pledges and obey the wishes and desires of the people. If the American Federation of Labor had gone on record in favor of this amendment, it would have taken a couple of you gentlemen to hold the Representative from Texas [Mr. BLANTON] in his seat, his joy would have been so great.

And my good friend from Illinois [Mr. YATES] called your attention to the splendid vote he received after voting for the Volstead Act. Well, in answer to that I will say I voted against the Volstead Act, and the people of Pennsylvania returned me to Congress with a greater majority vote than before.

When the Volstead Act was first up I pleaded then for beer and light wines for the working people of the country, and I stated to the chairman of the committee that if he would amend the bill and let the working people of the country have their light beer and wines, the prohibition question would be settled for years to come; and if not, it would be an issue in every campaign, and I think my prediction is true, and I believe the issue was very much in evidence in Chairman VOLSTEAD'S own district and in his campaign.

This question must be settled right. The working people of this country want their beer and light wines, and their request should be acceded to. Prohibitive laws—restrictive laws which encroach upon personal liberty and the constitutional rights of the American people—are not wise or just laws. They only serve to breed contempt of law and make lawbreakers out of law-abiding citizens. The wisest and best thing for this Congress to do is to enact sane legislation, honest legislation, and progressive legislation in the interest of the country and the American people. There is much need of it at this time and in this critical period of our country's history, but there is no need and no necessity for legislation which tampers with the personal rights of the American people—the rights which are guaranteed them by the Constitution of the United States.

The American working people are opposed to this amendment, and I hope it will be voted down. It is too drastic to be fair, and any legislation which is not enacted in the spirit of justice and fairness to all is not a workable law and can not survive.

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

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

Mr. STAFFORD. Mr. Speaker, the problem of national prohibition to-day is the same as it was before the adoption of the constitutional amendment. It is one of enforcement. It was never a question that prohibition could be enforced in communities where the sentiment was overwhelmingly in favor of the law, but the problem when the constitutional amendment was up for consideration was whether you could compel an unwilling constituency to observe a rule of living which was counter to that which they believed was proper and right and was not within the province of legislative domain. Since Congress made its attempt to enforce national prohibition we find, in communities where the majority sentiment was opposed to prohibition, an increasing disrespect for the law. Instead of conditions improving, the fact is they are getting worse.

Many are the instances where persons who prior to the adoption of the national prohibition act were only given to taking a wholesome glass of beer are now given to drinking whisky. Go to New York, to Chicago, to any of our large cities, and you will see instances of persons who never before had drank whisky who are now given over to drinking it ad libitum. The problem to-day before the House is whether you are going to make the enforcement law ridiculous or seek to establish a reasonable provision so as to make it enforceable.

I care not how blatant the prohibitionist may be, he certainly does not wish this unbridled practice of whisky drinking to spread. The country, as I sound public opinion, is opposed to whisky but favor light wines and beer. And yet by this measure you legalize whisky drinking and penalize beer drinking.

If whisky and strong wines, with their strong alcoholic content, have a medicinal value, as this bill acknowledges, certainly beer, with its lighter alcoholic content, has a proportional medicinal value, and, further, it has sedative and laxative qualities wanting in whisky.

Instead of striving to ban whisky and its concoctions, you surrender to the whisky proprietary medicine interests and permit them to manufacture and druggists to sell whisky under camouflage names. Instead of Congress seeking by legislation to restrict the use of whisky, you recognize it by this bill, but restrict the medical profession in prescribing beer, with its long-time recognized health-giving qualities.

Farmers are not specially opposed to this legislation, because they can have their private stills and make their own whisky and have their homemade wines. The people of Ohio and the people of Kansas, seemingly, by the voice of their Representatives here, are in favor of this legislation, because they do not need prescriptions to get their medicated whiskies in the form of patent medicines; but when it comes to the question of allowing the toilers in the industrial centers to have their mild stimulant in a glass of beer, to allow nursing mothers a mild, harmless beverage to sustain them, those on the other side—and three have risen on the Democratic side—throw sneers at the Germans because they happen to have a desire to drink that which has been health giving to them. But there are more people in this country than those of German ancestry who wish to have the privilege to drink beer and light wines given to them. The growing demand to have this privilege restored is not confined to any nationality or to any class. The demand is general—country wide—and will not down.

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

Mr. VOLSTEAD. Mr. Speaker, I yield two and one-half minutes to the gentleman from New Jersey [Mr. APPLEBY].

Mr. APPLEBY. Mr. Speaker and Members of the House, I want to correct an impression that New Jersey is entirely wet, as two of my colleagues have spoken against this amendment.

I want to say a few words in favor of this amendment, especially representing the womanhood and the youth of my district, who have been benefited by the results already obtained by the adoption of the eighteenth amendment. What they want and the average voter asks is a fair enforcement of this law as other laws are enforced. What has been lacking has been but a partial enforcement of the law in question. As a former mayor of one of the large coast cities I found more difficulty in stopping the sale of beer than whisky.

No arguments presented here to-day have convinced me that beer is not intoxicating.

Let us adopt this amendment and give this law a fair trial. I thank you for your courteous attention. [Applause.]

Mr. SABATH. Mr. Speaker, during this debate it has been frequently intimated that there is a strong organized propaganda to bring about the defeat of this proposed bill. These charges to prejudice the minds of the Members can not be substantiated, as they are without foundation whatever, but it can not be successfully denied by anyone that there is an organized movement on the part of the Anti-Saloon League, aided and assisted by two or three of the largest brewers, who are endeavoring to eliminate the smaller brewers who are manufacturing a much better near beer than they, but who, unfortunately, are not in position to expend tremendous sums in advertising their product as do these few large brewers. This proposed legislation is also favored by some of the large distillers who, notwithstanding the fact that they have disposed of most of their stocks, still hold large quantities of stocks of others and being the only ones authorized to bottle in bond are holding up the owners, and the wholesale and retail druggists, by charging them for bottling at the rate of $3 a gallon, or $9 or $10 for a case of 12 bottles.

Mr. Speaker, the opposition to this bill comes from the great majority of the medical profession and from the continuously increasing number of American citizens who are opposed to sumptuary legislation which deprives an honored profession from its rights and people of their liberty. Notwithstanding the statement of the gentleman from Nebraska [Mr. REAVIS], I maintain the people have not had ample time or opportunity to be heard against this measure. The gentleman from Ohio [Mr. COOPER], in his usual clever way, endeavors to minimize the action of the American Federation of Labor at its recent Denver convention, charged the adoption of the resolutions favoring the return of light wines and beer to the world's greatest labor leader, Mr. Samuel Gompers. The gentleman further states that he is not ready to follow him and that the American Federation of Labor in convention assembled does not represent American labor.

In answer to that statement let me ask the gentleman if the convention of the delegates of the American Federation of Labor, representing directly 5,000,000 and indirectly 15,000,000 more American laboring men and women, does not speak for the American laboring people, who does? Mr. Speaker, that convention by a nearly unanimous vote again has gone on record—not for the saloon as some gentlemen charge, but for personal liberty and for civil rights and the humanizing of the Volstead Act. So there may be no misunderstanding as to the action taken by the convention, I insert an extract from the proceedings, giving the resolution adopted:

Whereas great dissatisfaction is manifested throughout our country among all classes against the Volstead enforcement law; and

Whereas many of our people were of the impression that with the adoption of the eighteenth amendment it would not exclude the Nation's national beverage, that of wholesome beer; and

Whereas the drastic Volstead law has brought about the wholesale illicit manufacture of whisky and other strong alcoholic liquors or concoctions, which has resulted in the deaths of hundreds of our citizens and has impaired the sight of thousands of others, due to the drinking of concoctions containing wood and denatured alcohol; and

Whereas this deplorable condition has made the Volstead enforcement law unpopular with the vast majority of our citizens: Therefore be it

*Resolved*, That the American Federation of Labor, in the forty-first annual convention, assembled in Denver, Colo., declare itself in favor of modification of the Volstead law so as to permit the manufacture and sale of a national beverage of wholesome beer; and be it further

*Resolved*, That the officers and executive council of the American Federation of Labor be, and are hereby, directed to do everything within their power to have the contents of this resolution carried into effect.

Mr. Speaker, it is to be regretted to what extent the Anti-Saloon League and some Members on this floor will go and how intemperate they become when it comes to forcing the passage of this sumptuary and fanatical legislation. Some try to create prejudice by endeavoring to inject the belief and false impression by continuous insinuation against the German brewer. Such tactics, insinuations, and charges should be just as strongly condemned as the action on the part of some of the southern and northern Members who still do not know that the Civil War is over, and for their benefit I desire to read the views expressed by Thomas Jefferson on that very question in his letter of introduction to Col. Charles Yancey of one Capt. Miller.

Thomas Jefferson, on January 6, 1816, addressed a communication to Col. Charles Yancey containing the following statement:

There is before the assembly a petition of a Capt. Miller which I have at heart, because I have great esteem for the petitioner as an honest and useful man. He is about to settle in our country and to establish a brewery, in which art I think him as skillful a man as has ever come to America. I wish to see this beverage become common, instead of the whisky, which kills one-third of our citizens and ruins their families. He is staying with me until he can fix himself, and I should be thankful for information from time to time of the progress of his petition.

I regret, Mr. Speaker, that there are some Members so blinded with prejudice that they will make use of the most ridiculous pieces of literature, as has been done by the gentleman from California [Mr. RAKER], who endeavored to make the House believe that he was reading from a card received from an ex-drunkard, when a blind man could have known that it was an anonymous card mailed from Washington to every Member and originated by the Anti-Saloon League. Time does not permit me to read it, but for the purpose of showing to what extent the prohibition fanatics will go I insert it in my remarks:

A DREAM.

Two couples were standing in the spirit world viewing the actions of their children in this world. My wife and I saw our boy staggering through the streets. Our agony was intensified by an angel who said, "Had you done your duty this would not have been." I had lived a drunken life until almost ready for the grave, and she was in favor of and kept "beer and light wines" for daily temperate consumption.

My companion and wife, a man and woman who had never drank anything intoxicating, but who had upheld the rights of others to do so—the man a Member of Congress, his wife a social leader, gazed on the little daughter whom they had left below in a drunkard's home, surrounded by poverty and misery.

As before, the angel said: "Had you done your duty when an inhabitant of the world this would not have been." "But I never did any of these things." "True, but your influence was never exerted against them and you are as guilty, if not more so, than your friend."

Moral: Fight "beer and light wines" and all officials who favor them as you would a rattlesnake, for, as has been well said, "It is a notorious fact that nearly all drunkards begin by drinking 'light wines and beer' when young, and as the appetite grows, the desire for stronger drink is developed." (An ex-drunkard who began on beer.)

It is charged by some of the proponents of this legislation that the medical profession does not believe in prescribing beer and wine. I have in my possession a communication received only this morning, showing that a poll has been taken in the State of Illinois and that nearly 80 per cent of the physicians have gone on record declaring themselves as opposed to this and similar legislation and against restricting them in prescribing what they believe is most beneficial to their patients. The gentleman from New York, Dr. KINDRED, who addressed the House a little while ago, and who is one of the leading physicians of New York City, with 30 years of honorable practice, has clearly demonstrated that in many instances wine and beer possess not only food and strength but medicinal values and is prescribed by the highest and most reputable members of the medical profession.

Mr. Speaker, to show the fallacy of the arguments of two of the Members from Ohio, who stated they were in receipt of petitions from their respective congressional districts signed by 50 physicians who are opposed to prescribing wine or beer, I wish to insert extracts from an article appearing in the June issue of the Illinois Medical Journal, which quotes statistics from the Medical Pocket Quarterly, Jersey City, N. J., showing the result of a referendum of 25,000 votes cast, Of this number 20,176 physicians were against any legislation proposing to change the provisions of the Volstead Act prohibiting the prescribing of wine and beer, while only 1,935 were in favor of further governmental regulation. This, to my mind, shows conclusively the stand of this high profession against Government interference in their prerogative of prescribing whatever they believe proper. The extract from the Illinois Medical Journal is as follows:

A referendum vote taken on this question by the Medical Pocket Quarterly (Jersey City, N. J.) to establish the sentiment of the profession on the question showed 20,176 votes against the surrender of this privilege to the Government and 1,935 in favor of surrender, while 1,134 failed to vote. The total vote cast is claimed by the Quarterly to be "the largest, most nation-wide, and most representa-

tive vote ever cast by the physicians of this country on any single subject," and shows a significant solidarity of sentiment. We read:

"Physicians of every State in the Union voted in this referendum, including practitioners in all the States of the South and West which were running on a prohibition basis before the enactment of the eighteenth amendment. Country as well as city physicians participated in equal amount, the vote as a whole epitomizing clearly the unwillingness of the medical profession to relinquish the prerogative they enjoy, even if they all do not exercise it, for personal or other reasons."

I also wish to insert a statement by Dr. Charles J. Whalen, editor of the Illinois Medical Journal, and also a communication which I have just received from Dr. H. Preston Pratt, secretary of the Legislative Medical Committee, of Chicago, Ill.

Dr. Charles J. Whalen, editor of the Illinois Medical Journal, says:

The attempt by legislative enactment to say how a doctor shall practice medicine and what he shall charge for his services is an unwarranted restriction upon the freedom of his practice. If you put a limitation on the price he shall charge for liquor as medicine, you can also put a price on his charge for digitalis, or an operation, or even what a lawyer shall charge for a divorce case. If this proposed law is adopted, what is to prevent the legislature limiting the fee in an obstetric case to $1.88? I claim the right to prescribe for a patient anything I may see fit, and my reputation as a physician depends upon the judgment with which I exercise this right.

—

LEGISLATIVE MEDICAL COMMITTEE,
*Chicago, June 25, 1921.*

Hon. A. J. SABATH,
*Washington, D. C.*

DEAR SIR AND FELLOW CITIZEN: We take this means of directing the attention of you and your fellow Members of Congress to a phase of the existing and contemplated so-called prohibition laws, enactments, provisions, and suggestions in the belief that it will give a broader and, if the term is permissible, more comprehensive view of the entire situation.

Through agitation, misunderstanding, and misrepresentation the medical profession, 95 per cent honorable, skilled, responsible, schooled by teaching and experience, is under indictment as a potential and actual lawbreaker; rated, held, and classified practically in the same category as gun toters or bootleggers.

This is a serious and monstrous error, which careful analysis will prove. The responsibilities, obligations, duty, and practice of the trained, matriculated, and licensed physician place him as administering to and a servant of humanity; by his knowledge, judgment, and experience employing the best methods, agents, and materials for the alleviation and cure of human ills.

In the premises his very existence is at stake, being juggled about at the mercy of certain whims and foibles that are fundamentally dangerous and unsound. Wines and alcoholic malt beverages have been employed as among the most valuable props of medical practice for more than a hundred years, for their essential therapeutic and food value and strength. In the best judgment of the medical profession, as vehemently voiced and expressed by individual members, these forms of medicine and food should continue to be available in the practice of medicine.

The physician of the United States is not a lawbreaker, potential or actual; he is not an opponent of any measure for the protection and guidance of the greater number; he is not seeking any class legislation or special privilege. He has observed the fearful increase of diabetes and diabetic conditions in the Nation. He has noted with apprehension the infringement by legal act of rights and duties that are paramount in properly adjusted civilization and standard of living. He does, and memorializes you and your honorable fellow Members of Congress against the enactment of laws and establishment of provisions that strike at the very foundation of medical practice, the use and application of the proper medicinal and food materials, in their recognized forms and uses.

Out of a recent crystallized sentiment of the physicians of the State of Illinois grows the national organization of individual and collective protest, as represented by the undersigned at this time. It is a noteworthy fact that about 80 per cent of the physicians of Illinois filed their written and definite protests against measures pending in the Illinois General Assembly at that time, setting up similar restrictions and limitations as hereinbefore described. A leading medical authority insisted that 95 per cent of the individual members of the medical profession of the United States, not as organizations or societies, would give similar expression. The protests of the individual physicians of Illinois are signed documents not for publication but subject to review and corroboration.

Recognizing the lateness of the hour for such action, it is hoped and prayed that no decisive action be taken by Congress before reasonable opportunity is given for securing and submitting the individual expression of the physicians of the United States, a quick process and a voice that should be heard.

Are we to become a Nation of diabetics because of prohibition? Are we to subject ourselves to the medical practice of legislators and laymen? To what institution or medium shall we turn for the relief of our ills and ailments if the fundamental principles and responsibilities of the medical profession and practice are shackled and practically destroyed?

Your counsel, aid, and cooperation are urgently sought in this all-important time and premise.

Very respectfully, yours,

H. PRESTON PRATT, M. D., *Secretary.*

I also wish to insert as part of my remarks an article signed by nine of the most prominent physicians of New York City, appearing in the Medical Journal of June 4 of this year, page 1593:

It should be pointed out that the Volstead Act contains the most drastic legislation affecting the medical profession yet enacted. A physician becomes a criminal by the mere fact of writing a prescription for more than a pint of whisky for one patient within 10 days, and, so far as the revocation of his permit is concerned, is denied his constitutional right of trial by jury. (This interpretation of the law is supported by competent legal opinion.) The law states that "After a permit has been revoked by the commissioner the permittee may have a review of the decision before a court of equity. During the pendency of such action such permit may be temporarily revoked."

The precedent established by the Volstead Act in restricting medical practice should, if physicians value their therapeutic liberty, be met with a protest which will command attention. To-day it is alcohol, to-morrow it may be any remedy which falls under the ban.

We would suggest that the physicians of the country write to their Senators and Representatives in Congress in terms which leave no doubt with respect to their attitude concerning the regulation of therapeutic procedure by statute.

CHARLES L. DANA, M. D.,
SAMUEL A. BROWN, M. D.,
SAMUEL W. LAMBERT, M. D.,
ROBERT A. HATCHER, M. D.,
HERMANN M. BIGGS, M. D.,
HARLOW BROOKS, M. D.,
GEORGE B. WALLACE, M. D.,
WALTER B. JAMES, M. D.,
WARREN COLEMAN, M. D.,
*New York.*

An article appearing in the Washington Post gives an account of an interview with the former head of the legal division of the prohibition department, Mr. Alfred D. Van Buren, who, better than any other man, is familiar with the effect this legislation has upon the country. I can not help but feel that it has escaped the attention of a large number of Members who need positive and real enlightenment on this vital question, and I therefore avail myself of the privilege of incorporating it as part of my remarks.

CALLS FOR SANITY IN PROHIBITION LAW—NATION DRIFTING TO DRY ANARCHY, SAYS A. VAN BUREN AS HE RESIGNS ENFORCEMENT POST—LEGITIMATE BUSINESS HURT—RESPECT FOR LIQUOR ACT CAN NOT BE ENGENDERED BY RUTHLESS RESTRICTIONS, HE ASSERTS.

Warning that the entire prohibition situation may be thrown open to "judicial intervention and review" unless saner methods displace the constant cries from extreme drys for more severe enactments by Congress was given to-night by Alfred D. Van Buren, formally announcing his resignation as chief counsel to the Federal prohibition commissioner.

"The country is drifting toward prohibition anarchy," said Mr. Van Buren. "Unless calm and sane judgment displaces popular excitement and hysteria, the respect for the law, so essential to enforcement, will be lost, and the entire situation will be thrown open to judicial intervention and review."

* * * * * * *

PEOPLE ARE INDIGNANT.

Stating that while there can be no doubt that when the amendment was adopted the people intended to prohibit for all time intoxicating liquors for beverage purposes, Mr. Van Buren said:

"There is reason to doubt that the people intended, or at least fully understood, that the measure for its enforcement would be carried to the extremes which Congress deemed necessary to include in the national prohibition act.

"Consequently, when the people realized—and they are just beginning to realize—that the practice of medicine, pharmacy, chemistry, and even religion, is affected, surprise and consternation has prevailed, which in many sections has given way to resentment and indignation."

Mr. Speaker, in reply to those who fear that people may obtain beer for beverage purposes, I say how much better it would be to obtain it in a legitimate way than by illegal means. I feel confident that if 3 per cent beer were permitted that the thousands upon thousands of stills in every State of the Union would not increase but diminish within a very short period, and thereby millions of our otherwise law-abiding citizens would not be forced to become violators and transgressors of the law. It is for that reason that I include as part of my remarks several newspaper articles touching on various phases of the question which I hope will strike home to those who have been swayed by prejudice and unreliable reports in legislating on this all-important subject:

[From the Washington Post.]

BLAMES CRIME ON PROHIBITION—EFFORTS TO ENFORCE DRY ACT ALSO RESPONSIBLE FOR LAWLESSNESS, SAYS GOV. CORNWELL.

[By the Associated Press.]

HUNTINGTON, W. VA., *February 21.*

Gov. John J. Cornwell to-night, in an address before the Men's Service Chapter of the Trinity Episcopal Church, declared it as his belief that the prevalence of crime in the United States is due primarily to national prohibition and attempts to enforce the Volstead Act.

"There is more crime in the United States now than ever before in her history," he said. "This is due to our national prohibition laws and attempts at their enforcement, and much of our crime is due to violations of these laws. The number of violations of these laws is astonishing, and the number of arrests, as well as the number of flagrant cases in which there are no arrests, is astounding.

"Men have not accustomed themselves to these new laws. When the quart a month law was effective I pardoned men by the hundreds. There were several reasons for this, chief of which was the jail census, which showed that there were 1,800 men in the jails of the State. Some business institutions were unable to operate on account of the number of their employees in jail.

"This condition had to be relieved. It is not possible to eliminate or to reduce crime by the pyramiding of penalties. The only way is through education and Christianization."

[From the New York Herald.]

"DRUNKS TREBLED SINCE PROHIBITION," SAYS COURT.

NEW YORK, *May 18.*

Magistrate Geismar, in the Fifth Avenue court, Brooklyn, yesterday expressed surprise when nine men were arraigned before him charged with intoxication. The magistrate said:

"If you can afford to buy 'booze' you can afford a steep fine. I am tired of seeing so many drunkards. We used to get three or four

drunks in this court on a Monday morning, but since the advent of prohibition the number has tripled."

The verdict does not alter Judge Chatfield's decision that raids may be legally made on saloons without search warrants.

—

DOCTORS PLEA FOR WINE AS LIFE SAVER.

Chicago physicians members of the American Protective Medical Fraternity yesterday appealed to Gov. Small to veto the bill recently passed by the State senate to forbid prescription of light wines and beer. The bill permits prescriptions for whisky and narcotics.

"Many lives have been saved by champagne," says the telegram signed by Dr. Eldorado W. Scott, secretary. "In many cases it has been invaluable for persons near death, whose stomachs are in such delicate condition they can take nothing else.

"Certain forms of beer are invaluable to nursing mothers and for insomnia cases. Sherry wine, with white of egg, has from time immemorial been considered beneficial."

—

[From the Washington Post, May 17, 1921.]

"DRYS" POWERLESS IN NORTH CAROLINA—UNITED STATES AGENTS REPORT 100 PER CENT INCREASE IN ILLICIT DISTILLING—ASK MORE AID OF STATE—UNABLE TO TAKE CARE OF COMPLAINTS, SAYS FEDERAL CHIEF—RURAL DISTRICTS WORST.

[By Associated Press.]

RALEIGH, N. C., *January 16.*

Organization of a State constabulary to supplement the forces of the Federal prohibition agents and county officers in suppressing the widespread manufacture of liquor in North Carolina will be urged at the present session of the North Carolina General Assembly, it was learned to-day.

Federal authorities admit that the job has grown too big for the limited staff of 46 Federal agents now employed in this State.

Transmitting his annual report to R. S. Brame, supervising agent of the prohibition forces, H. G. Gulley, chief of the North Carolina division, declares that a conservative estimate would show an increase of 100 per cent in illicit distilling in the State during the past year.

CAPTURED 4,686 ILLICIT STILLS.

Illicit distilleries captured number 4,686 and the number of men and women arrested 2,317, two-thirds of the number being taken by Federal agents.

"We are not able to take care of the complaints that are made to our department," said Mr. Gulley. "The rural population of North Carolina is infested with violators of the prohibition laws and in some communities it is very serious."

During the past year 8,257 gallons of contraband liquor were seized by Federal agents and half that quantity by the sheriffs of the various counties. Federal agents seized and destroyed 13,405 fermenters, 21,953 gallons of apple cider, 4,450 gallons of molasses, 3,070 pounds of sugar, and 1,048,264 gallons of beer. Forty-six horses and 91 automobiles were seized and sold at public auction.

PENALTIES TOTALED $1,153,181.

The total value of the property seized and not destroyed was $65,047, and the value of property seized and destroyed was placed at $412,947.

Taxes and penalties assessed against violators of the law totaled $1,153,181, which does not include the penalties imposed by county authorities. The cost of administration in the State was less than $150,000, leaving the Federal Government a net profit of $1,074,238.

—

[From the Chicago Daily News, Monday, June 27, 1921.]

FINDS PROHIBITION MAKES UNITED STATES GLOOMY—DR. HELMER KEY, STOCKHOLM EDITOR, TELLS OF AMERICAN VISIT IN BOOK.

Here are a distinguished foreigner's two comments on prohibition in the United States:

It makes the American people dull and gloomy.

If you have the price, liquor is not hard to get.

Dr. Helmer Key, editor in chief of the influential Stockholm daily, the Svenska Dagbladet, passes these strictures after a personal tour of the United States. He has just published a book in Sweden, entitled "My Trip to America in 1920," which tells the Swedes a great deal about America. Translations made from this book in the office of the American minister, Ira Nelson Morris, in Stockholm, show that Dr. Key was not favorably impressed by the operation of the prohibition laws in America last year.

Here are extracts from the editor's observations:

HOW SOME PERSONS GET A DRINK.

"The most outstanding characteristic of the situation resulting from the prohibition law is a certain atmosphere of silent weariness, prevailing especially among the lower sections of the people. To the upper classes of society the liquor prohibition so far has brought but few inconveniences. In the leading hotels and restaurants no alcohol whatsoever is served, and even if spirits were served occasionally in some of the restaurants of New York, it is safe to say that the hotels did not dare to transgress the law.

"An attentive observer might, however, soon enough discover certain suspicious maneuvers at the tables around him in the restaurants, not a few brandy flasks of the most peculiar shapes being circulated, evidently containing whisky or similar liquors. The liquor prohibition has given rise to a new branch of goldsmith manufacture, namely, alcoholic reservoirs, for instance, in the form of cigarette cases, spectacle cases, opera-glass cases, and the like.

SAYS LIFE BECOMES DULL.

"One provision in the prohibition law is that it is forbidden to transport alcoholic goods even in one's own automobile; this, of course, being but an absolutely illusory provision. The control in regard to the observance of the law and the problems connected therewith can at first not be surveyed by an outsider. What an outsider can see, however, is that the moral effect of the law is not of a very favorable nature.

"The life especially of manual laborers, who could not afford to lay up supplies, is very dull. If you visit, as I did, for instance, one of the sailors' homes in the harbor of Philadelphia, you will be struck by the immense gloom pervading the place, dreary in itself, where the bored men hang over a filthy billiard table or over a game of dominoes, without the slightest prospect of stimulus.

"Very few people had imagined that ale and lighter wines would be placed under prohibition nor that prohibition would prove of so long duration. The discontent, accordingly, is now the greater. I have talked with many men and women, and nearly all have expressed dissatisfaction even though admitting that the prohibition may prove beneficial to the people as a whole.

* * * * * * *

DR. KEY FINDS PRIVATE STILLS.

"Private preparation of spirits and ale is very common. In Washington and also in many other places it is declared that there is not a kitchen but has its own distillation apparatus for the preparation of whisky or other liquors. The whisky thus manufactured is humorously called 'moonshine whisky.'"

* * * * * * *

—

DRY ERA A CURSE TO MAN AND NATION; END IT, DOCTORS DEMAND.

ATLANTIC CITY, N. J., *June 27, 1921.*

The doctors of the country were called upon to-day to unite in an effort to repeal the Volstead Act by Dr. W. Wallace Fritz, of Philadelphia, president of the Allied Medical Association of America, in an address at the annual convention of the organization.

"The precedent established by the Volstead Act," he said, "restricts medical practice, and the profession should not permit itself to be placed in a position as liquor salesmen and drug stores as saloons.

"The question is frequently asked, What benefit, if any, has the public derived from the enactment of the prohibition law?

"From general observation it has been a curse to them and to our country. It has taken away pure liquor and beer and has substituted poison and deleterious liquors and beer.

"It is teaching the public to drink secretly behind closed doors and get drunk. It is causing gambling and immorality; it is causing death and blindness.

"We must decide which is the greater evil from a medical standpoint—prohibition or home brew or the free use of light wines and beer properly distilled and brewed under Government standard."

I also insert a few letters appearing in the Chicago Herald and Examiner, which has opened its columns to a forum on "What Has Prohibition Done for Chicago?"

DRYS AND WETS TELL HOW LAW IS WORKING OUT.

The Herald and Examiner opens its columns to a forum for its readers on the subject "What Has Prohibition Done for Chicago?"

LIQUOR IS BLAMED.

PROHIBITION EDITOR:

I think that one of the most deplorable effects of prohibition is reflected in the "sporty" tendency of young women to drink strong liquors as a novelty. I know scores of young women of excellent families who had never before tasted intoxicants of any kind, but who since prohibition have sampled and become actual liquor addicts. It is no longer considered "common."

B. E. J.

—

PRICE VILLAGE VIEWS.

PROHIBITION EDITOR:

Down here in Price Village, Ind., we got a good idea of what prohibition is. There are but 19 families here, and although this was never regarded as a drinking village, 15 of these families are "wet," and prove it daily.

The other four are in doubt about prohibition's results, but opposed to the general idea.

The prohibition vote in the last election certainly must have some purpose, and it was 201,927 out of 27,000,000. Give the people back their liberty. I am 76 years old and know that you can not successfully take it away from them.

H. B.

—

CALLS HEADLINE ANSWER.

PROHIBITION EDITOR:

The answer to "What Has Prohibition Done for Chicago?" was answered the other day on the front page of your splendid paper: "Father, crazed by moonshine, kills baby." That is an answer to the hypocritical prohibition bunch.

H. F.

—

"WORSE FOR MORE."

PROHIBITION EDITOR:

Prohibition has done nothing important except to cheat the Government out of funds and give the public worse liquor for more money. It was sneaked over on the country and will be abolished very deliberately. Let's stop throwing good money after poor money.

L. H.

—

CAN'T LAST, SAYS LETTER.

PROHIBITION EDITOR:

I talk from the standpoint of a temperance enthusiast, and I declare, from my personal observation, that total prohibition in this country is an outrage and will never have either success or long life. There is evidence of it everywhere—more drunkenness in homes, less responsibility on the part of labor, and less return to the Government, whether national or local.

I have known a dozen men who were well-balanced and worth-while citizens until this legislation, furthered by a group of fanatics and sneaked through the legislative channels, was put over on the country. It has brought about national drunkenness of the sneaky sort, and where it has not produced that result it has brought about national sullenness, a new attitude for America.

A. J. K.

—

HUSBAND NOW A DRUNKARD.

PROHIBITION EDITOR:

I inclose my address and ask you to come up at any hour of the day and see the fruits of prohibition—my husband. He is a drunkard, and at the age of 38 had never taken a drink until prohibition was enforced.

MRS. L.

WANTS PURE LIQUOR.

PROHIBITION EDITOR:

For nearly two years, in all, there has been an era of so-called prohibition. The wealthy during this time have had ample liquor, the thieves and the lowest element of our population have had more than ever before, but the workers, who as a class want nothing more than nourishing beer, have been able to have none of it. What miserable hypocrisy! When is this un-American nonsense to be terminated?

Liquor is a medical necessity, isn't it? Then how is it, without change of content, a horrible poison? Let us stop the serving of poisonous drinks at prohibitive prices. Let us have some pure liquor for the serving of which the dispenser pays high tax and asks little money. Let's be done with crime by the half crazed.

F. W. B.

—

BARRIERS BROKEN DOWN.

PROHIBITION EDITOR:

Since prohibition has been in force I notice that many of my friends who either did not drink at all or occasionally drank a gin fizz or some other light drink, have taken to whisky; this is particularly true of women.

As no beer and light wine is obtainable, people who desire to drink at all drink whisky, with the result that those who formerly stayed sober get drunk and those who got drunk get drunker.

G. O. F.

I embody a report made by Duell, Warfield & Duell, of New York City, to McClure's Magazine, on the question of prohibition in 1920, which I believe has not heretofore been given to the public, and which I feel is entitled to the most serious consideration:

DUELL, WARFIELD & DUELL,
*19 West Forty-fourth Street, New York.*

MCCLURE'S MAGAZINE,
*19–23 West Forty-fourth Street,*
*New York City.*

GENTLEMEN: I am forwarding herewith my report in connection with the investigation which I have been making at your request these past weeks relative to war-time prohibition and the possibility of its repeal, to the extent of light wines and beer, before July 1. I am also forwarding to you, together with the report of my investigation, some leading opinions obtained on this subject from many important men and women of the country.

Initially, I have found among labor interests a constantly increasing discontent over the possibility of the workingman being denied his glass of beer—the beer that helps to wash down dried-out lunch in the noonday hour. The workingman is accustomed to his beer, and not only has it been his custom for years but his tradition for centuries. If when July 1 comes it is taken away from him, grave labor unrest will confront the country, becoming more pronounced as the heat of summer increases. There is also another side to this question of labor and beer which will cause great discontent—which, in fact, is leading squarely in the direction of bolshevism—it is the denial to the plain average citizen and workingman what is not denied to the man who is rich or even of moderate wealth. The latter for some months past, and even now, are putting by large stores of various liquors, in many instances sufficient to last a lifetime. Whatever the outcome is to be, all of us, both rich and poor, should share and share alike in the effect of any prohibition legislation. That's only fair play and a square deal. To do otherwise and permit the rich man to have what the poor man can not have is the bitterest sort of class distinction, and any legislation which makes this condition possible is class legislation and accordingly vicious. Such action is playing right into the hands of bolshevism. My investigation also shows that there is wide discontent among the returning soldiers who while fighting were specifically permitted to enjoy, by military order, light wines and beer. They very rightfully can not understand, when they were good enough to fight and die for the country, and could have their light wine or beer, now that the fight is over and they have returned home, why such a simple privilege is denied them.

You find the same sentiment everywhere among the rank and file of citizens, the great middle class in our country who resent bitterly any invasion of their personal privileges as American citizens, their right to the pursuit of normal happiness and enjoyment of life. These same views are also held by many who never drank anything, men and women who are liberal and fair enough to admit that there is no harm in drinking a glass of beer, even the minister who at times enjoys his glass of beer and welsh rarebit.

I reach the conclusion that fundamentally whisky and distilled liquors containing an obviously high alcoholic percentage has been at the basis of the prohibition movement in this country. I firmly believe that if we had never had whisky we never would have even heard of prohibition. Accordingly the elimination of whisky and liquor containing a great amount of alcohol is doubtless wise, for with that another good result will be accomplished, the abolition of the old-fashioned saloon, so called, its "back room," its "barroom rail and family entrance," which has been a great curse to the country and the cause of untold misery and crime. But the question of light wines and beer is a far different matter and presents a harmless compromise. In France, for instance, for centuries light wine has been a part of the daily meal, and in this connection think for a moment of the great strength and virility of the French armies in the recent war. But France thought it wise to put a ban upon absinthe, just as the United States should put the ban upon whisky and legislate against it as a drug.

Here are some leading opinions obtained from many men and women of great prominence in the country who, while standing against whisky and the saloon, favor light wines and beer:

Cardinal Gibbons, with whom I recently had a long talk, writes me as follows:

"To present to the people of the country the issue of the use of light wines and beers, also the abolishing of the saloon of the old type, meets with my hearty approval. For more than 50 years I have preached temperance, being convinced that the practice of the virtue of temperance has regard to the free will and God-given liberty of man, and at the same time makes for merit and reward. I am persuaded that the denial of light wines and beer will be hurtful, if not disastrous, to the cause of temperance, and bring contempt upon the prohibition law. I know the good qualities of the American people, which none esteem more highly than myself. I recognize the worth of that large labor element, the very backbone of our country, and at all times willing to join hands in every fair and honest movement. If, therefore, the law of prohibition can be so interpreted as to permit the use of light wines and beer, I feel sure it will be an efficient measure for temperance and meet with the approval of the majority of our citizens.

"Faithfully, yours,

"J. CARD. GIBBONS."

* * * * * * *

Here is the opinion held by the late Col. Theodore Roosevelt, as obtained from his sister, Mrs. Douglas Robinson, shortly before his death:

"I remember my brother, Theodore Roosevelt, saying that he found it very difficult to make up his mind positively on the subject, but that he was inclined to feel that it would be wiser at present to allow the sale of light wines and beer."

Mrs. Robinson herself writes as follows:

"After serious thought on the subject of prohibition I have come to the conclusion that it would be well for the country were it possible to allow the sale of light wines and beer, rather than to make so drastic a change as absolute prohibition.

"It would seem that great evils might follow so sudden a change of policy, evils which might outweigh any good resulting from the change.

"Yours, sincerely,

"CORINNE ROOSEVELT ROBINSON
"(MRS. DOUGLAS ROBINSON)."

Mary Roberts Rinehart has this to say:

"It is my sincere conviction that no amendment to the Constitution should be made without a vote of the entire American people. It is also my conviction that the restricted sale of beer and light wines would be a harmless compromise, and would soothe somewhat our feeling of outrage at the present interference with our complete liberty of action.

"Most cordially, yours,

"MARY ROBERTS RINEHART."

Gertrude Atherton writes as follows:

"What are the distractions, enjoyments, pleasures that this country, either in its State or National Government, has provided for the laboring class that it should deprive it of one of the few solaces poor men find for living? Beer gives a gentle stimulation that causes an hour's forgetfulness of the grinding day, the sordid home. In moderation it does no more harm than a symphony concert that exalts a woman's nerves.

"Has it occurred to these 'reformers,' who through the criminal carelessness of wiser men have temporarily obtained the upper hand, that the major part of the laboring class is composed of foreigners, who from birth have been accustomed to light wines and beer? These men have been encouraged to come to this country because our old American stock was so diminished that we must have foreign labor or come to a standstill as a nation, and it is not only a criminal lack of tact but the height of insolence to denationalize their palates and stomachs and force them to wash down their monotonous food with water—ice water, which has ruined the American digestion. It would be no less an infringement on the rights of man, although infinitely more beneficial, to pass a law forbidding the native New Englander to eat doughnuts and pie for breakfast. But it is the doughnut-pie-ice-water brain that is responsible for this most insensate and pernicious law ever passed in the United States."

Mrs. Atherton also says:

"Regulation, the abolishment of saloons (the easy drink) would result in temperance, in many cases in indifference; but prohibition will irritate man in the deepest recesses of his self-respect, with a result that there will be more secret drunkards all over the United States than have ever been known in the history of civilization."

Last, but not of least importance, I insert a statement submitted by Mr. Charles B. Stafford, an attorney of Chicago, to the Committee on the Judiciary. Mr. Stafford for upward of 20 years has resided in a prohibition territory and has devoted a great deal of thought and study to the prohibition question:

STOP! READ! CONSIDER!

This letter was delivered to the Judiciary Committee after its hearings had closed. I have therefore had it printed. I am sending a copy to each Member of Congress. May I ask you to read it?

CHARLES B. STAFFORD.

CHICAGO, ILL., *May 19, 1921.*

Hon. ANDREW J. VOLSTEAD,
*Chairman, and Members of the Judiciary Committee, House of Representatives of the United States, Washington.*

GENTLEMEN: I happened to be in Washington on Friday last, and learning that your committee was listening to suggestions on the bill to prevent the manufacture and sale of beer for medicinal purposes, I asked permission to address you, but was compelled to leave Washington before my name was reached. I was informed, however, that I might present in writing my views.

Permit me to say that at present I reside in Evanston, Ill., and I practice law in Chicago. I claim no authority to speak for anyone other than myself, but from conversation with friends and acquaintances in many parts of the country I believe that in what I shall say I shall voice the opinions and sentiments of a very considerable number of the best citizens of the United States.

Because I am the seventh generation born in this country and have neither affiliations with nor cross-obligations to other nationalities I probably shall say some things that only one born and bred with inherited traditions of this land of the free can either feel or dare utter. Whether it may or may not take several generations to make a gentleman, it does take at least three generations to produce a real American thoroughly imbued with the ideas and conceptions of true Americanism, free from the prejudices and opinions and beliefs which from birth, surrounding circumstances, family life, or education tinge and color the views of all our naturalized citizens.

The Declaration of Independence rang true because it gave utterance to what men and women felt and believed in their heart of hearts. For a hundred years after its adoption we American born, with our mother's milk, with the air we breathed, at school, at play, at home, at work, fed on the truth of the inalienable rights of life, liberty, and the pursuit of happiness. We believed thoroughly in the Roman republican doctrine that one might do whatever one pleased with one's own provided no injury resulted to one's neighbor. Governments derive their powers from the consent of the governed to protect and secure these inalienable rights and further their enjoyment. Governmental restrictions upon and interference with personal and individual conduct and habits would have driven Washington and Adams and Jefferson into immediate revolt. They are distinctly imperialistic doc-

trines, foreign grafts being forced upon us by fanatical autocrats who refuse to concede the possibility of any right or merit in an opinion contrary to their propaganda. What has this to do with the proposed bill? This: All proposed legislation should harmonize with our general concepts of American life, American liberty, and American pursuit of happiness.

The proposed legislation has for its object the prevention of manufacture and sale of certain beverages. It attacks these beverages upon the pretense that they are nonmedicinal. The general impression of the public is that it is to further the prohibition movement. It is a reasonably safe conjecture that neither the proponents nor the supporters of this bill had in mind any hygienic or pathological measure. Witness the presence and activity of prohibition's advocates and representatives. It is the transference of incorporeal psychic concept to affect the physical corpus. Medically and morally, I am against the bill.

For the past 40 years that alcohol was a most pernicious and insidious drug and poison has been preached and taught. Most thinking men—and I make bold to include myself in that class—are agreed that immoderate use of alcoholic stimulants is absolutely objectionable. The line of demarcation between moderate and immoderate use is no longer vague or uncertain. In each individual's case an overdose of alcohol is as readily susceptible of determination as an overdose of morphine or strychnine. The amount would vary with each individual, for the effect of all substances, foods, or poisons upon the human body depends upon idiosyncrasy. Even milk, nature's best food, will poison some. Fruits, vegetables, and meats are prescribed and proscribed according to the patient's requirements and their effect. That one man's food is another man's poison has been demonstrated to be absolutely true. Coffee, tea, cocoa, sugar are deleterious under certain conditions.

If alcohol be a drug, then put it in the pharmacopœia under the control of enlightened physicians. In that respect the attitude of the prohibitionists is similar to that of the old lady who gave her daughter permission to swim, but forbade going near the water. The medical fraternity may boast with justice that almost without exception it has faithfully and honorably complied with the duties of such trusts. The occasional backsliding druggist, the occasional blacksliding doctor, is soon spotted as an outcast, a leper with whom mere contact means death and speedily put beyond power to harm.

But prohibition is fanatic. It is as intemperate as drunkenness. Its pettiness is beyond limit and destructive of greatness. It may be safely asserted that the history of the world in no nation and in no field of human endeavor lists a topnotcher who was a prohibitionist. The reason is plain. Temperance, voluntary abstinence, is one of the cardinal virtues. It has as its prerequisite self-control, and self-control means strength. But prohibition, intemperance, means fanaticism, lack of control, and narrowness that is inconsistent with greatness.

Legislation to be of value must start with a clear conception and just appreciation of the subject matter. What is the truth about all alcoholics? It is not the use but the abuse that cries out for remedy.

Alcohol is potentially present in all grains, fruits, nay, wherever starch or sugar is. Digestion in a crude sense is the conversion of starch into sugar, and sugar, by easy fermentation, becomes alcohol. If the chemists are right, the prohibitionist should stop eating. For his stomach is to some extent an automatic still turning out a modicum of booze daily. In another sense alcohol is a predigested food. As such it is absorbed in the human body and circulated before it has been properly assimilated and treated by the various organs and agencies involved in the digestive process. To this is attributable the deleterious effect of large doses. Conversely, it is claimed that where there is exhaustion, weakness, or depression, the fact that it requires little from digestive apparatus enables it to feed and nourish those too weak to take or assimilate other foods. According to many authorities it has no permanent or real effect as a stimulus. Conceding this, it is nevertheless universal experience that it does create at least a false stimulating sensation, causing a desire for real food. Hence in mild forms, as beer, it is claimed to be beneficial as an appetizer.

The combination in beer has other effects. The best modern authorities are universally preaching yeast as a healthful aid to digestion. To many yeast in its natural condition is not palatable. It needs disguising.

The ordinary individual finds it necessary to take quinine in a capsule. Castor oil, because of its bulk, is not generally given in capsules, but its value has forced the adoption of a number of blends. No sane person would contend that the use of coffee or orange juice or what else to assist a dose of castor oil should be forbidden. Why decry taking yeast by way of beer? The prohibitionists contend that the near beers, nonalcoholic, furnish the benefits without the curse. They willfully blind themselves to the effect of the chemical changes caused by the omission of any element. Near beers are not palatable. Small quantities of alcohol do stimulate and excite the flow of gastric juices. This starts the operation and aids the yeast. Near beers in this respect fail.

The wholesale, universal, heedless onslaught of prohibition needs a curb. It may be conceded that man can live, thrive, and prosper without alcohol. Man can live, thrive, and prosper without all things but salt and water. Man can and has for centuries lived, thrived, and prospered without prohibition. Fats, fried food, pastry in excess cause all manner of wreckage to health. Should laws be therefore passed to forbid the manufacture and sale of wheat cakes and apple pie? If prohibition be wise, why should there be the silly and cowardly exemption made in the name of religion? Are legislators afraid that church sentiment may line up on the side of the wicked? Theology once made human sacrifice obligatory, but men quickly realized that an all just, all wise, all good, all merciful and loving God would not tolerate much less require wicked deeds in His worship. If wine and beer and other alcoholics are pernicious poisons like opium and morphine, God will have none of them. Be consistent.

If alcohol be the hellish offspring and temptation of the devil, away with it to the last atom and ion. Let us be not afraid. For unto the prayer of the righteous will God ever give ear.

Wise control, temperance, not prohibition, is needed.

It is time to stop and take stock of the moral effect of prohibition. I have for many years lived in a section kept free of saloons by local option. In the suburbs of Chicago along Lake Michigan, north to Waukegan, for years voters were against traffic in liquor. So long as Chicago was wide open the suburban resident was careful to keep the shadow of a saloon from his home. A saloon was an offensive place for which he had neither occasion nor use. So long as liquor of all kinds and quantities could be brought from Chicago, local option was perfection. Residence in a dry State like Indiana was ideal so long as it was bounded by wet Ohio, wet Kentucky, and wet Illinois. The Hoosier lived in paradise with the tree of knowledge a few hours' ride to Cincinnati, Louisville, or Chicago.

The advent of national prohibition has brought widespread change in the attitude of citizens. Many who rarely touched liquor, actuated by a resentment to personal restriction, take pleasure in showing their opposition by frequent and open violation. Many financially able laid in stores sufficient to last their estimated lives. Bootlegging and private stills have been encouraged by others. Robberies, burglaries, perjury, forgery, and other crimes have become prevalent. The price that can be obtained for liquor has encouraged lawbreaking. Men otherwise exemplary citizens feel justified in aiding and abetting illegal traffic in liquor.

True it is that in republics majorities should govern. But in our American concept, local options—majorities in constitutional divisions of State, county, city, town—must be recognized and dealt with. There is a limit to the tyranny of majorities. This was boldly set forth in the Declaration of Independence.

One of the earliest amendments to the Constitution recognized that certain subject matters should not be legislated without unanimous consent. That list was not intended to include all exemptions. One of the original thirteen States accepted the Constitution upon condition that no further power would be conceded to the Federal Government. It demonstrates the American conception of inalienable rights that government should not be permitted to invade. It did not include prohibition, because no man then alive could conceive the possibility of such legislation.

There is of necessity a limit when unanimous consent must be necessary. Suppose some great religion should obtain a three-fourths control of the country. Suppose its heads should first amend the Constitution by eliminating religion from the list requiring unanimous consent, and, having thus paved the way, pass a constitutional amendment and other laws fixing an exclusive state religion for these United States and providing for enforcing conformity. Such things could not be, say you? Such a condition is no more impossible than national prohibition was to an American 40 years ago.

Every constitutional amendment and every enactment passed over the wishes of a large majority and jammed down on such minority is cursed by destroying in such minority that love of country and respect of law and order that should be the chief virtue of a citizen. Witness the effect of the abolition amendments and laws passed after the Civil War. The Southern States have always refused to accept them, have evaded and nullified them whenever and wherever possible. Worse than all, the effect of that tyrannical outburst of abolitionism! It has ever since destroyed independence of thought and action by Southern States on all questions. For whatever arises is now by Southern States first tested by: How will it affect the Negro situation? It is absolutely certain that the support by Southern States to this very prohibition proposition was given not that the white man of the South desired to forego his julep or toddy but that the menace of the drunken Negro should be destroyed. With the Negro eliminated, the South would be overwhelmingly against prohibition, because it is overwhelmingly in favor of the broadest liberty of personal action and conduct.

Fanatical radicalism has always been followed by wildest riot. Witness the Puritan control of England. No set of men were personally more pure in thought or action, more sincerely desirous of benefiting mankind, more altruistic in purpose of establishing God's heaven on earth, than the founders of the Puritanism that beheaded Charles I and installed Cromwell as ruler of England. And then followed the unspeakable debauchery of mind, body, and soul of the reign of Charles II.

Because I believe in temperance, I am opposed to prohibition. Because I believe that beverages like beer, with small alcoholic content, are in many cases beneficial, I believe their manufacture and sale should be allowed. Because I believe that alcoholics in all forms are drugs, I believe their manufacture should be under careful governmental supervision and their use and sale under the control of intelligent physicians. Because I believe not in drastic coercion but enlightened persuasion, I believe the most beneficial results and permanent good will follow, not from prohibition, but from governmental control through the doctors.

Because I believe your committee is sincerely interested in trying to work out legislation that will prove wise and helpful, I take the liberty of making these suggestions that may open a line of thought which, if not productive of good, may at least prevent what in my humble opinion threatens to be the most egregious of blunders.

Very respectfully,

CHARLES B. STAFFORD.

I hope, Mr. Speaker, that the few articles, statements, and communications of the many thousands which I have received and which I have taken the privilege to insert will be read and studied by the gentlemen who are advocating this legislation with the hope that they will realize the tremendous resentment against further restrictive legislation, and if they are sincere in eliminating the illicit manufacture of spirits and increasing drunkenness that they themselves will recommend the manufacture and sale of light wines and beer.

Mr. CLASSON. Mr. Speaker, I yield four and one-half minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Speaker and gentlemen, I voted against the Volstead Act because I believed it was a radical misinterpretation of the manifest purpose of the eighteenth amendment. In section 35 of that bill it was provided that very heavy penalties might be imposed upon citizens charged with the illegal manufacture or sale of intoxicating liquors without first establishing their guilt by the ordinary processes of the law.

The bill which we are now considering expressly approves and reenacts this anomalous provision of that act. Under its provisions a citizen may be deprived of his property and subjected to all sorts of taxes and penalties, to quote the statute, "upon evidence of such illegal manufacture or sale." Not "upon proof," mind you, not "upon conviction," but "upon evidence of such illegal manufacture or sale a tax shall be assessed against and collected from the person responsible for such illegal manufacture or sale in double the amount now provided by law, with an additional penalty of $500 on retail dealers and $1,000 on manufacturers." What sort of evidence? The statute does not prescribe. It may be direct, positive, circumstantial. An affidavit that a party is or has been making liquor illegally may be taken by the enforcement officer as evidence, although the accused has never been confronted by the

witness. An assessment of double the old tax, plus all the penalties and in addition thereto $1,000, is made.

The party assessed may protest his innocence, but, if the enforcement officer so decides, his claim in abatement will be disallowed and the collector instructed to distrain the property of the accused. His only recourse then is to sue out a writ of injunction in the Federal court and satisfy the Federal judge, if he can, that the Government is proceeding without "evidence."

Let us suppose a case. A still is found up the creek in a thicket on Friday, whereupon our old friend John Doe informs the officers that he saw our equally old friend Richard Roe on the preceding Thursday coming out of the woods near the place where the still had been discovered, his countenance illumined by a smile of satisfaction such as had not been observable theretofore since the adoption of the eighteenth amendment.

Would this be evidence of the guilt of the said Richard, and if not, why not?

But, in addition to this, suppose that Mr. Doe should make affidavit to other and more convincing circumstances touching the guilt of Mr. Roe. This would be evidence, and in that enthusiasm which characterizes the zeal of the prohibition officers, overlooking the fact that these two gentlemen had many times appeared as litigants the one against the other in the civil as well as the criminal courts of the realm, can it be doubted that poor Richard would be duly assessed under the provisions of section 35?

"I am not guilty," he would naturally insist, assuring the commissioner that the smile was the effect of reminiscence and not of indulgence; but this has nothing to do with the case, and there would be no occasion to cumber the RECORD with any such irrelevant matter. The law says "upon evidence," not upon proof, not upon conviction, not upon guilt, but "upon evidence," and the law books all tell us that there is a very marked difference between evidence and proof. Evidence is that which is legally submitted to a court of competent jurisdiction for the purpose of establishing proof of the allegations in controversy. It may not be sufficient to establish the fact; it may fall far short of proof, but it is none the less evidence. This language was written into the bill by the Committee on the Judiciary of this House, a committee composed exclusively of gentlemen learned in the law, and the enforcement officers must assume that they meant what and only exactly what they said.

Now, this case may be said to be an extreme and unwarrantable assumption, but as a matter of fact it is nothing more than the usual practice, if I am correctly informed. I have heard related in the cloakroom by a number of gentlemen numerous instances no less remarkable than this one.

One gentleman a few days ago related that a reputable druggist had been assessed $2,400, his offense consisting of an alleged unlawful sale of a bottle of Tichnor's Antiseptic. The druggist protested his innocence; insisted that he had in no wise violated the statute. He was not indicted, not haled into court to answer any criminal charge, simply assessed $2,400 "upon evidence."

But this is not all. The last paragraph in section 35 is as follows:

> The commissioner, with the approval of the Secretary of the Treasury, may compromise any civil cause arising under this title before bringing action in court.

And so forth.

This druggist wrote to his Congressman, and, knowing him to be a reputable druggist and convinced that he would not intentionally violate the law, this Member took the matter up over the phone with the prohibition officer here, and was told that they would compromise the matter upon the payment of $25. Evidently the evidence upon which they had proceeded was not very convincing to them. Upon going to the office, however, no one there could be found who was authorized to make any such proposition or who had, in fact, had any conversation with him over the phone, but he was told that the case would be compromised for $100.

An instance in my district has come to my notice: A friend of mine wrote me that a Negro farmer had been assessed $3,200 on what the prohibition officer considered evidence that he had been making whisky. The Negro denied his guilt, and the gentleman who wrote me about it says that he does not believe the Negro is guilty. Whatever the truth may be, the fact is that he has never been convicted. His claim in abatement was overruled and the collector has been instructed to proceed at once to the collection of this $3,200. This man probably has not more than $600 or $800 in property, such as is usually owned by tenant farmers—a mule or two, wagon, farm implements, and so forth. His only recourse is to apply for a writ of injunction, and if granted the issue would be decided not by a jury but by the Federal judge himself, and under the law he would only be called upon to decide whether the commissioner had "evidence of the unlawful manufacture" by the accused.

Assume that this man is not guilty, as he claims, and that when the case comes on for trial in the Federal court and the evidence is submitted the judge, testing it by the rules of evidence which have been sanctioned by the experience and the wisdom of centuries, decides it is insufficient to establish guilt; judgment of "not guilty" will thereupon be directed to be entered and the defendant permitted to go hence without day. This, however, does not affect the proceedings of the collector, and although this evidence has been declared insufficient the first and only time it has ever been submitted to a court of justice for its judgment, the accused has nevertheless been despoiled of his goods and chattels and his property confiscated and he has no recourse.

Gentlemen, we ought not to write such a law on the statute book. The liberty of the citizen ought to be held more sacred than this. I am a prohibitionist, and have been all my life. I am not swept off of my feet, therefore, by the enthusiasm and zeal characteristic of the new convert. If men violate the statute and persist in making or selling liquor illegally, they should be haled into court and punished without mercy for their malefactions. The foundations of liberty, however, are assailed and menaced if in our enthusiasm we lose sight of all the experiences through which our fathers fought and overthrew tyranny and deliberately empower some agent of the Government to take the property of the citizen and brand him as a lawbreaker without proof, without conviction, without confronting him with the witnesses upon whose testimony he is to be condemned, but merely "upon evidence" the competency and sufficiency of which have not and can not be passed upon by the courts of the country.

I do not know how many officers there are in the United States going about seeking the violators of the Volstead Act. There are many of them, and we know how they are appointed. The people have no voice in their selection and they are in no wise responsible to the people or dependent upon them for their jobs. Can we afford to put into their hands this power, the power to assess merely upon evidence and then to compromise? To me the proposition seems monstrous, and I shall vote against it.

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

Mr. VOLSTEAD. I yield to the gentleman from Ohio [Mr FESS].

Mr. FESS. Mr. Speaker, the eighteenth amendment is now a part of the organic law, by the decree of the American people speaking through their Congress and State legislatures. The enforcement act is on the statute books. It is to assure the country against making the amendment a dead letter.

We thought we had interdicted beer until the decision of Attorney General Palmer, which opened the way for its manufacture and sale by aid of a physician's prescription.

The insistence of the liberal Members of this House for the privilege of beer through a policy of prescription clearly shows the extremity to which these people will go to indulge their appetites for liquor. For 15 months prior to the Palmer ruling, which covers the period of the prohibition régime, not a prescription was written for the use of beer as a medicine. Thirty-eight States had already made it unlawful. The State of Ohio took such action by a tremendous vote after the Palmer ruling had been made.

Under the law no physician could prescribe distilled liquor without a permit. Seventy-eight per cent of the 152,627 physicians in the United States made no application for permit for such purposes. Only a bare 22 per cent made application. Twenty-four States had already made it unlawful to prescribe distilled liquor as a medicine.

Not until the Palmer ruling was there any contention for the use of beer as a medicine. On the other hand, it had been repudiated by the vast aggregation of reputable physicians. It it not recognized by science or law. It is not even listed as a medicine in the American Pharmacopœia, the recognized authority in medicine in America. It is not included as a medicine in the reputable textbooks generally used throughout the medical schools. But, on the other hand, its use as such has been discountenanced by the most eminent physicians, surgeons, and scientists. It has been rejected by professors of medicine in 24 reputable medical colleges, including the special research institutions for medical advancement, such as the Rockefeller Institute, the Mayo Foundation, and other expert institutions. It was repudiated by the officers and members of the convention which revised the American Pharmacopœia.

Beer as a medicine was emphatically denounced by the druggists of the United States in national convention assembled in the following language:

The executive committee of the National Association of Retail Druggists of the United States desire to place on record their conviction that the manufacture and sale of beer and other malt liquors for medicinal purposes should not be permitted. Malt liquors have never been listed in the United States Pharmacopœia as official medicinal remedies.

The demand for beer does not come from the sick chamber or the convalescent. Neither does it come from the physician's office, as it does not come from any distinguished authority on the science of medicine. It does come from the brewing interests under the guise of healing. It also comes from the advocate of beverage drinking. Its loudest call is from the habitué of the saloon.

The proposed measure is necessary to prevent, under the guise of medicine, the flooding of the country with beer. Omission of such measure will open again the beer-drinking place through the agency of the prescription. The less reputable practitioner who thinks more of boodle than of cure under the Palmer ruling can convert his office into a beer-guzzling house, where he can dole out through prescription by the bottle, the case, or the keg as best suits his trade.

The contention of these people is so bald that the purpose can not be misunderstood. If they do not know now, they will soon discover that the American people have no patience with this contention. The saloon is an outlaw. Prohibition is law, and under enforcement will become reality. I can only repeat what I recently said in Philadelphia, "If such foolish contention as this last gasp of the booze advocates is not discontinued, this Congress will make this country as dry as the Sahara desert." To those of our Members who continue to argue for liquor upon the ground that prohibition can not be enforced, I can only say, if they will join us in enforcement legislation with the same aggressiveness that they oppose this legislation, we will raise up a generation in this country with appetites unpolluted from the drink habit, when no such legislation as this proposed act will be necessary. [Applause.]

Mr. VOLSTEAD. I yield three minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Speaker, the cry for beer comes not from the sick but from the thirsty. [Laughter.] A hue and cry is set up by beer guzzlers that we are "depriving the sick of their beer." The truth is, there are hundreds of thousands of sick men and women in America to-day because they were not deprived of beer—hundreds of thousands who can not pass a life-insurance examination because of a hobnailed or cirrhosed liver which has resulted from beer drinking.

The physicians do not want to prescribe beer. Hospitals do not want to use beer. The druggists do not want to sell beer, and the sick are not wanting to drink beer. The tears that are being shed because of restrictive beer legislation are all falling from the eyes of perfectly well men who have developed a beer appetite.

Restriction on beer is nothing new. During the 15 months of prohibition prior to the Palmer ruling beer could not be prescribed anywhere in the United States, and even since that ruling the prescribing of it has been unlawful in 38 States.

ATTITUDE OF MEDICAL PROFESSION.

The Campbell bill now under consideration proposes to assist in the enforcement of the eighteenth amendment by regulating the medical use of alcoholic liquors. Let us consider briefly the attitude of the medical profession on this moot question.

Alcohol is a habit-forming narcotic poison. No scientific medical man in all the world disputes this fact. Its evil effects on the human system so far surpass any beneficial effects that the overwhelming verdict of the medical profession is to-day wholly against its use.

One hundred and twenty thousand physicians in the United States have not written one prescription for alcoholic liquor of any kind, including beer, during the last 15 months.

WHISKY, BRANDY, WINE, AND BEER ARE NOT MEDICINES.

Reference has been made here this afternoon several times to the National Pharmacopœia. Perhaps those references have not been well understood. The National Pharmacopœia is the official and recognized list of the useful medical drugs and chemicals of the United States. It is the same to the medical profession that the decisions of the Supreme Court of the United States are to the legal profession. This United States Pharmacopœia has been rewritten by the highest medical, chemical, and pharmaceutical authorities in the United States every 10 years during the last 90 years. It has also been revised every 5 years, and in every case is finally approved by act of Congress.

The last Pharmacopœia, revised by the representatives of the scientific societies of every State in the Union in September, 1916, does not regard whisky, brandy, wine, or beer as of any value whatever in the treatment of any disease; hence they are all omitted, and alcohol is not mentioned as a drug but only as a chemical. We thus reduce all alcoholic liquors to the status of habit-producing narcotic poisons, and should deal with them accordingly.

In 1917 the American Medical Association, which is the mouthpiece of 150,000 physicians in the United States, declared its position in these unmistakable terms:

AMERICAN MEDICAL ASSOCIATION OPPOSES USE OF ALCOHOL.

Whereas we believe that the use of alcohol as a beverage is detrimental to the human economy; and

Whereas its use in therapeutics as a tonic or stimulant or as a food has no scientific basis: Therefore be it

*Resolved*, That the American Medical Association opposes the use of alcohol as a beverage; and be it further

*Resolved*, That the use of alcohol as a therapeutic agent be discouraged.

In 1918, Dr. Arthur Dean Bevan, of Chicago, President of the American Medical Association, called upon the 150,000 physicians who acknowledge allegiance to the association to take an active part in the propaganda in favor of prohibition as the greatest single factor they could control in the interests of the public health.

PERSONAL OBSERVATIONS.

During the last 10 years of an extensive practice of medicine I found no necessity for administering or prescribing a single dram of alcoholic liquor in any form. I do not question that worthy and honorable physicians do prescribe alcoholic liquors, but I maintain that, judged by the general and final results, our patients were better off without the liquor than with it.

The gentleman from New York [Mr. COCKRAN] states that every physician in Congress is in favor of beer prescriptions. The gentleman misrepresents my position as a physician on the whole liquor question. Throughout my professional life I have worked and voted against the liquor traffic in city, State, and national elections. As a member of my own State legislature I had an active part in passing "bone-dry" legislation. As a Member of Congress I helped to pass the national prohibition enforcement law, and when it was vetoed by President Wilson I helped to pass it over his veto.

Beer legislation, which is sought by our big cities, would be a backward step, an entering wedge for beer saloons and the old saloon régime. The wet forces are recruiting to-day for the next congressional election, but the voters will not be caught napping. Every law-enforcement officer in the United States knows the eighteenth amendment can not be enforced if we let down the bars for beer and wine.

The opinion of any individual physician, however, is not now under consideration. I have given you the testimony of the overwhelming majority, and we are to-day legislating for the majority.

PRESCRIPTIONS SOUGHT IN BAD FAITH.

Viewed in the light of modern scientific knowledge and experience, we would be justified in making the provisions of the bill now under consideration much more stringent than they are now written. Certainly no Member of this Congress need fear that he is depriving either patient or physician of a remedy that can not be better supplied in some other way.

We all know that alcoholic prescriptions are often sought and often given in bad faith, and now that the eighteenth amendment has been deliberately written into our Constitution by the votes of the people, we owe it as our duty to the people to provide for its enforcement.

WET PROPAGANDISTS FLOOD NEWSPAPERS WITH MISLEADING STATEMENTS.

Wet propagandists flood the newspapers and put into the mouths of the unwary the babel that national prohibition was suddenly obtained by some hocus-pocus method while the great American public slept—or, perchance, while it was fighting overseas.

Nothing could be further from the truth.

PROHIBITION THE RESULT OF EDUCATION.

At least 132 years ago an active temperance society was organized in Connecticut; the Sober Society was organized in Pennsylvania a hundred and fifteen years ago; the Independent Order of Good Templars was organized in New York in 1851 and swept the country for half a century; the Woman's Christian Temperance Union, with Frances Willard as its great leader, and with a little band of devoted mothers in almost every county in the United States, has been quietly educating the American people for more than 50 years.

Perhaps my wet friends do not know that this organization has written scientific temperance in the textbooks of every State in the Union and has thus made known to all the people that alcohol is a narcotic poison, whether taken in large quantities or small.

After a century of education, during which time the distillers and brewers scoffed and mocked, came the great Anti-Saloon League and gathered up and crystallized the educated anti-booze sentiment and completed the job of making America dry.

Can deliberate action taken after an educational campaign of 132 years be termed "emotionalism" or "fanaticism"?

For 70 years one State after another outlawed the liquor traffic, but complete law enforcement was always difficult or impossible because of surrounding wet territory.

The moral sentiment of America would not yield to these discouragements. By 1915 27,000,000 of people living in 19 States had voluntarily deprived themselves of intoxicating liquors as a beverage. This so-called "emotionalism" extended from Maine to Washington, from Alabama to North Dakota. No limited section of the country was inundated by this "wave" that had been gathering force for 130 years. Meanwhile 50 per cent of the population of 12 other States had voted themselves dry; and 25 per cent of 9 other States had also committed the awful deed of depriving themselves of intoxicating liquors.

The Federal Government had now taken a forward step and the sale of liquor was prohibited in all Indian country, in the Navy, the Panama Canal Zone, and the Army canteens were closed.

Fifty-one millions of our people, by a majority vote, were living in dry territory and 80 per cent of our territory was dry two full years before we entered the war and six more entire States had entered the dry column before war was declared.

Finally 75,000,000 of sober-thinking, liberty-loving Americans had deprived themselves of booze; and 2,374 out of 2,989 counties in the United States voted out the saloon.

Local option and State-wide elections everywhere showed an overwhelming sentiment, not only against strong liquor but also against wines and beer.

Eight million voters petitioned Congress for the eighteenth amendment. No petition of the same magnitude was ever, before or since, presented to any legislative body on this earth.

When the Sixty-fifth Congress, which was elected in November, 1916, six month before we declared war, had deliberated for many months it offered the eighteenth amendment to the 48 States for adoption or rejection.

While the ratification by 36 States would have legalized this amendment, the sentiment in favor of national prohibition was so strong that 45 State legislatures ratified the amendment in an incredibly short time.

The first 10 amendments to the Constitution of the United States were ratified by 11 States, and three—Massachusetts, Connecticut, and Georgia—failed to ratify.

The eleventh and twelfth amendments were ratified by three-fourths of the States.

The thirteenth amendment was a prohibitory amendment, and specified in section 2 that Congress should have power to enforce that article by appropriate legislation. That is the kind of legislation and that is the precedent we are following to-day. That amendment was ratified by 27 of the 36 States.

Mr. Chairman and gentlemen, the fourteenth amendment, which provides for your seat and mine in the Halls of this Congress, was alternately approved and disapproved by many of the States, and never was approved by several of them, and yet I hear no complaint from any Member of this House against the fourteenth amendment.

The fifteenth amendment was ratified by 30 of the 37 States. The sixteenth amendment was ratified by 26 States, while 12 failed to ratify.

The seventeenth amendment was ratified by only 36 of our 48 States; but the eighteenth, or national prohibition, amendment was ratified by 45 States within 13 months after it was submitted, leaving only 3 States which have to this date failed to ratify.

Gentlemen, I submit to you that this eighteenth amendment, the enforcement of which we are now providing for, has been ratified by a larger number and a greater proportion of States than any other amendment that has ever been submitted, and yet gentlemen have the temerity to propose that it be nullified by lack of enforcement.

Mr. Speaker, the people demand enforcement and not nullification of the eighteenth amendment.

Mr. VOLSTEAD. I yield one minute to the gentleman from California [Mr. LINEBERGER].

Mr. LINEBERGER. Mr. Speaker and gentlemen of the House, I desire to add my hearty approbation of this bill. [Applause.] The district from which I come has for years been dry. That particular district looks to this Congress, dominated as it is by a majority of Republicans, to carry out to the fullest extent the intent and spirit of the Volstead Act. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CLASSON. I yield the remainder of my time to the gentleman from Maryland [Mr. HILL]. [Applause.]

Mr. HILL. Mr. Speaker and gentlemen of the House, the discussion this afternoon has been a very interesting discussion, and it must have been an interesting discussion to the author of this bill, who sits in the gallery beyond us, Mr. Wheeler. [Applause.]

Mr. BRITTEN. Is that the Mr. Wheeler, the $50,000 attorney that has been referred to on several occasions?

Mr. HILL. I understand he is the $25,000 attorney for the Antisaloon League.

Mr. BLANTON. And he is a good one.

Mr. KINDRED. Is he paid by Rockefeller money?

Mr. HILL. I understand he is paid by Rockefeller money. Gentlemen of the House, I shall not extend my remarks in the RECORD, because I am speaking to the House of Representatives and not to constituents. And what I shall say to the House of Representatives is on the subject of this particular and precise bill and not on the general subject of prohibition.

As preparatory to my remarks on this special bill, I want to quote to you the language of Mr. Wheeler before the Judiciary Committee to show you the underlying spirit behind this bill. On page 352 of the proceedings before the Judiciary Committee the attorney for the Anti-Saloon League, who claimed in the daily press two days ago that he wrote the bill, said:

> If it comes to the point where it must be a choice between medicaments of medical preparation and the enforcement of law, I think we must choose law enforcement.

Now, that is all right about law enforcement. We stand for enforcement of existing laws; but, I say to you, hesitate before you put an unconstitutional act on the statute books of the United States. The time has come when you must look carefully to see how far your zeal for prohibition will carry you in unconstitutional and tyrannical measures. I shall submit my few remarks entirely on the subject of the Constitution and this amendment.

The eighteenth amendment gives you authority to do only one thing. It gives you the authority to stop the manufacture and sale and transportation of intoxicating liquors for beverage purposes. It gives you absolutely no authority to pass this bill, which was drafted by the Anti-Saloon League. This bill has gone through four phases. The first phase was H. R. 5033, introduced April 25 by Mr. VOLSTEAD. The second phase was 6752, with amendments introduced by Mr. VOLSTEAD. The third phase was 6752, with some more amendments, and the last was 7294, introduced by the gentleman from Kansas [Mr. CAMPBELL], which was the original bill with sections 3, 4, and 5 cut out.

Now, let us look at the bill as it stands. Section 2 is as follows, and I ask the sérious consideration of the House for what I am about to read, because I say sincerely that I hope the House would pause before it passes the bill. Section 2 says:

> That only spirituous and vinous liquor may be prescribed for medicinal purposes, and all permits to prescribe and prescriptions for any other liquor shall be void.

What that means, my colleagues, is that the House is asked to pass legislation which says that no malt liquors, beer, ale, stout, porter, can be prescribed by a physician as a medicine for the sick, and I say to you that you have not the constitutional authority under the eighteenth amendment to do it.

Mr. BURTNESS. Will the gentleman yield?

Mr. HILL. No; the gentleman can not yield. I here submit to you three final considerations. This bill is a direct slander on the integrity of the doctors of this country. It makes no difference if there is only one doctor in this country who desires to prescribe one malt liquor to one sick man, he has a constitutional right to do it, and, gentlemen, those who favor this bill are trying to class as lawbreakers all of the doctors instead of taking the trouble to send to jail those doctors who are crooks. So I say that no matter how rabid and wild a prohibitionist you may be, hesitate before you pass this unconstitutional bill in order that the sincerity of this Congress may not be involved.

Mr. VOLSTEAD. I yield one minute to the gentleman from Ohio [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, I had no idea of taking the time of the House, and would not except for the cowardly way that my friend has attacked the gentleman in the gallery, Mr. Wheeler. I want to say that I have opposed Mr. Wheeler in lawsuits and in politics, and have known him intimately, and if my friend from Maryland ever achieves the reputation for honesty, ability, and integrity that Wayne B. Wheeler has he will deserve it. [Applause.] I happen to know that Mr. Wheeler did not prepare this bill, and that he does not receive one-third of the salary that my wild friend from Maryland imagines he does. [Laughter and applause.]

Mr. SABATH. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Speaker, I call attention to some provisions in this bill which, in my judgment, are impractical, unjust, and unnecessary to its beneficial operation. This bill (1) discriminates against light wines in favor of hard liquors by permitting the prescription of more than twice as much alcohol in hard liquors as in light wines. (2) It unjustly operates against the manufacturer and the consumer of medicinal wines by confining production to the supply of current needs. That means the consumption for medicinal purposes of unripe wines and denies the use of "aged" wines, which physicians have universally favored for medicinal purposes. (3) It subjects the labor and investment of the vineyardist to the hazard of securing a permit from a commissioner in Washington, who has no practical knowledge of the situation of the vineyardist or his problems. (4) By placing the very life of an industry which is expressly made lawful at the arbitrary disposal of a commissioner at Washington it opens a fruitful field for scandal, bribery, fraud, and favoritism, which should not be encouraged by law.

The constitutional prohibition amendment prohibits the manufacture and sale of intoxicating liquors * * * for beverage purposes." No one has claimed that the object of Federal prohibition was to prohibit the medicinal use of alcoholic liquors. This bill provides intoxicating liquors may properly and lawfully be prescribed for medicinal use by expressly authorizing the prescription of whisky and wine. It limits the medicinal use of alcoholic liquors by prohibiting the prescription of beer. It limits each physician to 100 prescriptions in 90 days. It also limits the quantity of such liquors which may be furnished on any prescription to not more than 1 quart of vinous liquors, and also limits all liquors so furnished to an alcoholic content of one-half pint. Wines so prescribed shall contain not more than 24 per cent of alcohol.

These limitations permit the prescription of one-half a pint of alcohol in whisky and wines of high alcoholic content to one prescription within 10 days. Natural wines form the bulk of American production and have no alcohol, except that produced by the natural fermentation of their sugar content. Such wines average 11 per cent or less of alcohol. The limitation to 1 quart in 10 days makes the maximum alcoholic content of such light wines that can be so prescribed less than 2 ounces in 10 days, or an equivalent to less than one-fifth of an ounce per day for a patient. That is less than one-half of the amount of alcohol that can be prescribed through whisky and fortified wines. The purpose is to restrict the use of alcohol. Yet light wine is limited by volume and hard liquors are limited by alcoholic content. In other words, section 1 of this law is so drawn as to constitute a discrimination in favor of hard liquors and against light wines, which are the most wholesome for medicinal purposes.

Having authorized the prescription of one-half a pint of alcohol as contained in whisky and wines of high alcoholic content, there is no logical or just reason why only one-half of that amount should be permitted in the more wholesome natural wines. The tendency of the provision is to encourage the fortification of wines and the addition of alcohol to the natural product. A patient desiring light wine will probably buy the 24 per cent wine and increase its quantity by the addition of water and thus double the volume that he can procure lawfully. He will use an inferior substitute instead of the more wholesome light wine that he desired. This discrimination thus operates against the natural wines in favor of those that are adulterated or at least have alcohol artificially added to increase their alcoholic content.

This bill would also operate unjustly against the vineyardist and the manufacturer of wines. The last paragraph of section 2 prohibits the manufacture of vinous or spirituous liquor, save alcohol, "until the amount of such liquor now in distilleries and other bonded warehouses," shall have been reduced to a quantity "that in the opinion of the commissioner will, with liquor that may thereafter be manufactured, be sufficient to supply the current need thereafter for all nonbeverage uses." Spirituous liquors are manufactured almost entirely from products that have a value in the general market, being useful for feed and other purposes as well as for the manufacture of alcoholic liquors. Natural wines are made from grapes produced on vines, which require four years to reach a productive crop and which grapes are ordinarily of little or no value for any purpose other than making wine. There is some propriety for this provision as to distilled liquors, but it should not apply to wines.

Many months are required to clarify wines properly. Age is necessary to develop their best qualities. Physicians since Biblical times have always recommended "old wines" for medicinal purposes. This law, if strictly followed, will prohibit the advanced manufacture that is necessary to produce aged wines for medicinal purposes.

The vineyardist can not hold grapes for manufacture until his wines are required for current needs. His labor, his investment, and his crop precedes the manufacture. If denied manufacture when the crop is ripe, he is denied the benefit of his labor and his investment.

It is a gross injustice to the vineyardist to subject him to this hazard—to make the use and value of his crop depend upon the whim of a commissioner in Washington; to make his right to manufacture after he has produced his crop depend upon whether or not some commissioner in Washington thinks his wine product is required for current medicinal needs.

As a general rule bureaucratic government exercised far from the scene of its practical operation will be arbitrary, technical, domineering, theoretical, and indifferent. No one knows how unreasonable and unbusinesslike any commissioner may be or how completely he will be dominated by influences who have neither the desire or inclination to do justice in such matters.

These provisions are entirely unnecessary to the successful operation of the law proposed. I make no objection to the enforcement of the eighteenth amendment. I support its efficient enforcement. But in my judgment impractical provisions that ignore the just rights of people engaged in lawful occupations have no legitimate place in the statutes of our country. Physicians who unlawfully prescribe intoxicating liquors should be prosecuted, but it will not aid the enforcement of legitimate prohibition to provide a system under which, in attempting to punish the guilty, we impose unjust and unnecessary hardships upon the innocent.

I believe it most unfortunate that a measure of this character should be passed by the Congress without an opportunity of amendment. Why should the "gag" rule be applied to this bill? The House is absolutely denied the right of correcting or improving this measure or changing the proposed law to conform to its best judgment. Such measures as this should be presented in an open forum, where every Member has a right to express his own judgment by his vote upon every important phase of a bill. I hope when this measure reaches the Senate it will be so amended as to remove these unjust provisions. That can be done without in any way detracting from the substantial purposes of this bill.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken, and Mr. SABATH demanded a division.

The House proceeded to divide.

Mr. BLANTON. Mr. Speaker, I demand the years and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 250, nays 93, answered "present" 2, not voting 86, as follows:

YEAS—250.

| | | | |
|---|---|---|---|
| Ackerman | Campbell, Kans. | Foster | Jeffers, Ala. |
| Almon | Chalmers | Free | Johnson, Ky. |
| Anderson | Chandler, Okla. | French | Johnson, Miss. |
| Andrews | Chindblom | Frothingham | Johnson, Wash. |
| Appleby | Christopherson | Fulmer | Jones, Pa. |
| Arentz | Clague | Funk | Jones, Tex. |
| Aswell | Clarke, N. Y. | Garner | Kearns |
| Atkeson | Cole | Garrett, Tenn. | Kelley, Mich. |
| Barbour | Collier | Garrett, Tex. | Kelly, Pa. |
| Barkley | Colton | Gilbert | Kendall |
| Beedy | Connally, Tex. | Goldsborough | Ketcham |
| Begg | Connell | Goodykoontz | Kiess |
| Bell | Cooper, Ohio | Gorman | Kincheloe |
| Benham | Cooper, Wis. | Graham, Ill. | King |
| Bird | Copley | Green, Iowa | Kinkaid |
| Bixler | Cramton | Greene, Mass. | Kirkpatrick |
| Black | Crisp | Greene, Vt. | Kline, Pa. |
| Bland, Ind. | Darrow | Griest | Knight |
| Bland, Va. | Davis, Tenn. | Hadley | Kopp |
| Blanton | Denison | Hammer | Kraus |
| Boies | Dickinson | Hardy, Colo. | Lanham |
| Bowers | Dominick | Harrison | Lankford |
| Bowling | Doughton | Haugen | Larsen, Ga. |
| Box | Dowell | Hawley | Larson, Minn. |
| Brand | Drane | Hayden | Lawrence |
| Briggs | Drewry | Hays | Leatherwood |
| Brinson | Driver | Hersey | Lee, Ga. |
| Brooks, Ill. | Dunbar | Hickey | Lineberger |
| Brooks, Pa. | Dunn | Hicks | Little |
| Browne, Wis. | Echols | Himes | Lowrey |
| Bulwinkle | Elliott | Hoch | Luce |
| Burtness | Ellis | Houghton | Lyon |
| Burton | Faust | Huddleston | McClintic |
| Butler | Fess | Ireland | McCormick |
| Byrnes, S. C. | Fields | Jacoway | McDuffie |
| Byrns, Tenn. | Flood | James, Mich. | McKenzie |
| Cable | Focht | James, Va. | McLaughlin, Mich. |

| | | | |
|---|---|---|---|
| McLaughlin, Nebr. | Patterson, N. J. | Sinclair | Underhill |
| McSwain | Pringey | Sinnott | Upshaw |
| Mapes | Quin | Smith | Vestal |
| Michaelson | Raker | Smithwick | Vinson |
| Michener | Ramseyer | Speaks | Volstead |
| Miller | Rankin | Sproul | Walters |
| Millspaugh | Rayburn | Steagall | Ward, N. C. |
| Mondell | Reavis | Stedman | Weaver |
| Montague | Reece | Steenerson | Webster |
| Montoya | Reed, W. Va. | Stoll | Wheeler |
| Moore, Ohio | Ricketts | Strong, Kans. | White, Kans. |
| Moores, Ind. | Riddick | Summers, Wash. | Williams |
| Morgan | Ronch | Sumners, Tex. | Williamson |
| Murphy | Robertson | Swank | Wilson |
| Nelson, A. P. | Robsion | Sweet | Wingo |
| Nelson, J. M. | Rose | Swing | Wood, Ind. |
| Newton, Minn. | Rosenbloom | Taylor, Ark. | Woodruff |
| Norton | Sanders, Ind. | Taylor, Tenn. | Woods, Va. |
| Oldfield | Sanders, Tex. | Temple | Woodyard |
| Osborne | Sandlin | Thomas | Wright |
| Overstreet | Schall | Thompson | Wyant |
| Padgett | Scott, Mich. | Tillman | Yates |
| Park, Ga. | Scott, Tenn. | Timberlake | Young |
| Parks, Ark. | Shaw | Tincher | Zihlman |
| Parrish | Shelton | Towner | |
| Patterson, Mo. | Shreve | Tyson | |

NAYS—93.

| | | | |
|---|---|---|---|
| Ansorge | Glynn | Logan | Ransley |
| Bacharach | Griffin | London | Reber |
| Beck | Hardy, Tex. | Longworth | Riordan |
| Brennan | Hawes | McLaughlin, Pa. | Rodenberg |
| Britten | Hill | MacGregor | Rogers |
| Burdick | Hogan | Madden | Rouse |
| Burke | Hukriede | Magee | Ryan |
| Campbell, Pa. | Hull | Maloney | Sabath |
| Crew | Humphreys | Martin | Snyder |
| Chandler, N. Y. | Jefferis, Nebr. | Mead | Stafford |
| Classon | Kahn | Merritt | Stephens |
| Cockran | Keller | Mills | Sullivan |
| Connolly, Pa. | Kennedy | Morin | Tague |
| Cullen | Kindred | Mudd | Taylor, N. J. |
| Curry | Kissel | Newton, Mo. | Ten Eyck |
| Davis, Minn. | Kleczka | Nolan | Tinkham |
| Deal | Kline, N. Y. | O'Brien | Vare |
| Dyer | Kunz | O'Connor | Voigt |
| Fairchild | Lampert | Ogden | Volk |
| Favrot | Lazaro | Olpp | Ward, N. Y. |
| Fenn | Lea, Calif. | Parker, N. J. | Watson |
| Freeman | Lee, N. Y. | Porter | |
| Gallivan | Lehlbach | Pou | |
| Gernerd | Linthicum | Radcliffe | |

ANSWERED "PRESENT"—2.

| | |
|---|---|
| Knutson | Langley |

NOT VOTING—86.

| | | | |
|---|---|---|---|
| Anthony | Evans | Luhring | Rucker |
| Bankhead | Fairfield | McArthur | Sanders, N. Y. |
| Blakeney | Fish | McFadden | Sears |
| Bond | Fisher | McPherson | Siegel |
| Brown, Tenn. | Fitzgerald | Mann | Sisson |
| Buchanan | Fordney | Mansfield | Slemp |
| Burroughs | Frear | Moore, Ill. | Snell |
| Cannon | Fuller | Moore, Va. | Stevenson |
| Cantrill | Gahn | Mott | Stiness |
| Carter | Gensman | Oliver | Strong, Pa. |
| Clark, Fla. | Good | Paige | Taylor, Colo. |
| Clouse | Gould | Parker, N. Y. | Tilson |
| Codd | Graham, Pa. | Perkins | Treadway |
| Collins | Herrick | Perlman | Vaile |
| Coughlin | Hudspeth | Peters | Walsh |
| Crowther | Husted | Petersen | Wason |
| Dale | Hutchinson | Purnell | White, Me. |
| Dallinger | Johnson, S. Dak. | Rainey, Ala. | Winslow |
| Dempsey | Kitchin | Rainey, Ill. | Wise |
| Dupré | Kreider | Reed, N. Y. | Wurzbach |
| Edmonds | Layton | Rhodes | |
| Elston | Lufkin | Rossdale | |

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

The Clerk announced the following pairs:

On the vote:

Mr. PETERS and Mr. PERKINS (for) with Mr. VAILE (against).

Mr. CANTRILL and Mr. MOTT (for) with Mr. PERLMAN (against).

Mr. FISHER and Mr. PURNELL (for) with Mr. SIEGEL (against).

Mr. BURROUGHS and Mr. HUTCHINSON (for) with Mr. PETERSEN (against).

Mr. BANKHEAD and Mr. DALE (for) with Mr. BOND (against).

Mr. ANTHONY and Mr. STEVENSON (for) with Mr. ROSSDALE (against).

Mr. WISE and Mr. KITCHIN (for) with Mr. RAINEY of Illinois (against).

Mr. SISSON and Mr. LUHRING (for) with Mr. LUFKIN (against).

Mr. EVANS and Mr. HERRICK (for) with Mr. DUPRÉ (against).

General pairs:

Mr. JOHNSON of South Dakota with Mr. CARTER.

Mr. LANGLEY with Mr. CLARK of Florida.

Mr. FISH with Mr. KNUTSON.

Mr. CANNON with Mr. TAYLOR of Colorado.

Mr. MOORE of Illinois with Mr. SEARS.

Mr. RHODES with Mr. RUCKER.

Mr. PAIGE with Mr. MANSFIELD.

Mr. MCPHERSON with Mr. BUCHANAN.

Mr. WINSLOW with Mr. HUDSPETH.

Mr. COUGHLIN with Mr. COLLINS.

Mr. WALSH with Mr. OLIVER.

Mr. BLAKENEY with Mr. RAINEY of Alabama.

Mr. WHITE of Maine with Mr. MOORE of Virginia.

Mr. YATES. Mr. Speaker, a parliamentary inquiry. Is not this a motion to suspend the rules requiring a two-thirds vote?

The SPEAKER. It is.

Mr. YATES. Should there not then be two pairs against one?

Mr. LANGLEY. Mr. Speaker, that is the very question I was going to raise. I answered "present" because I have a general pair with the gentleman from Florida [Mr. CLARK], who is absent on account of illness. I do not know how he would vote on this bill. He has not advised me. I think he would vote aye, but, not being sure about it, I want to know what my duty under the circumstances is, as I have been so busy that I have made no arrangements about a two-to-one pair, to which the gentleman from Illinois [Mr. YATES] refers.

The SPEAKER. The gentleman will have to exercise his own judgment as to that.

Mr. LANGLEY. All right; then I shall let my answer of "present" stand in the record.

Mr. TREADWAY. Mr. Speaker, I have a general pair with the gentleman from Mississippi [Mr. COLLIER]. May I ask if he is recorded?

The SPEAKER. The gentleman voted "aye."

Mr. TREADWAY. Am I within the limit of voting? I would like to vote "aye."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. TREADWAY. I came in when the Clerk was announcing the pairs.

The SPEAKER. The gentleman does not qualify.

Mr. KNUTSON. Mr. Speaker, I have a general pair with the gentleman from New York, Mr. FISH, who is indisposed. I wish to withdraw my vote of "aye" and answer "present."

The name of Mr. KNUTSON was called, and he answered "Present."

Mr. OLIVER. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. OLIVER. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. CARTER. Mr. Speaker, I understand I was paired with the gentleman from South Dakota, Mr. JOHNSON.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. CARTER. I was right after——

The SPEAKER. Of course, the gentleman can not vote.

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MALONEY, for two weeks.

To Mr. BANKHEAD (on request of Mr. BOWLING), indefinitely, on account of serious illness in his family.

To Mr. HUTCHINSON (on request of Mr. ACKERMAN), for three days, on account of witnessing the naval maneuvers off the Virginia Capes.

To Mr. STEVENSON, for two weeks, on account of important personal business.

To Mr. LUHRING, for one week, on account of illness.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Joint resolution (S. J. Res. 80) authorizing the Postmaster General to appoint delegates to the Pan American Postal Congress; to the Committee on Appropriations.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6653. An act to extend the time for the construction of a bridge across the Arkansas River at a point near Webbers Falls, in Muskogee County, Okla.; and

H. R. 6652. An act to extend the time for the construction of a bridge across the Arkansas River, in Muskogee County, Okla.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1019. An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children.

PROCEEDINGS DURING RECESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the statement of the proceedings during the recess be entered in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

Mr. GARRETT of Tennessee. Mr. Speaker, before the gentleman makes that motion, will he yield for a moment? I want to ask the gentleman from Wyoming if by adjourning he thinks we will expedite the consideration of the tariff bill?

Mr. MONDELL. I feel quite confident we will.

The SPEAKER. The question is on the motion of the gentleman from Wyoming.

The motion was agreed to; accordingly (at 7 o'clock and 24 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 28, 1921, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

179. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Mississippi River at Fort Madison, Iowa (H. Doc. No. 96); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

180. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Monterey Harbor, Calif; to the Committee on Rivers and Harbors.

181. A letter from the Assistant Secretary of Commerce, transmitting a draft of a bill to provide for the making of anchorage grounds in waters of the United States; to the Committee on Interstate and Foreign Commerce.

182. A letter from the Secretary of War, transmitting a consolidated list of papers not needed in the War Department; to the Committee on Disposition of Useless Executive Papers.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SUMMERS of Washington, from the Committee on the Public Lands, to which was referred the bill (H. R. 6864) authorizing exchanges of lands within the Rainier National Forest, in the State of Washington, reported the same with amendments, accompanied by a report (No. 231), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HICKEY, from the Committee on the Judiciary, to which was referred the bill (H. R. 2261) providing for an additional judge for the district of Montana, reported the same without amendment, accompanied by a report (No. 232), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 3522) granting a pension to Andrew J. Shepherd, and the same was referred to the Committee on Invalid Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RANKIN: A bill (H. R. 7394) granting the consent of Congress to the board of supervisors of Itawamba County, Miss., to construct a bridge across the Tombigbee River; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of New Jersey: A bill (H. R. 7395) for the purchase of a site for and the erection of a building for the Arlington post office, in the town of Kearny, N. J.; to the Committee on Public Buildings and Grounds.

By Miss ROBERTSON: A bill (H. R. 7396) to provide for the purchase of a site and the erection of a public building thereon at Wagoner, in the State of Oklahoma; to the Committee on Public Buildings and Grounds.

By Mr. VOLK: A bill (H. R. 7397) to provide for the appointment of one additional judge of the District Court of the United States for the Eastern District of New York; to the Committee on the Judiciary.

By Mr. LINEBERGER: A bill (H. R. 7398) to provide for the erection of a Federal building at Long Beach, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. HARDY of Colorado: A bill (H. R. 7399) to postpone the increase in the rates of postage, effective July 1, 1921, on publications entered as second-class matter under clause (4) of subdivision (b) of section 1101 of the revenue act of 1917; to provide for an investigation of postal costs and postal rates on publications entered as second-class matter and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. LUCE: A bill (H. R. 7400) relating to the quality of domestic anthracite coal; to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 7401) prescribing standards and grades for spring wheat; to the Committee on Agriculture.

By Mr. HAMMER: A bill (H. R. 7402) to modify and amend certain paragraphs of the act creating the Public Utilities Commission of the District of Columbia; to the Committee on the District of Columbia.

By Mr. KAHN: Joint resolution (H. J. Res. 164) authorizing the President to communicate with the Government of Italy on the six hundredth anniversary of the death of the poet Dante, and appointing September 14, 1921, a national holiday to be known as Dante's Day; to the Committee on the Judiciary.

By Mr. BYRNES of South Carolina: Resolution (H. Res. 134) directing the War Finance Corporation to file with the Speaker of the House a statement showing the number, amount, and character of each loan made by the corporation since its activities were revived by the joint resolution of Congress January 4, 1921; to the Committee on Banking and Currency.

By Mr. CURRY: Resolution (H. Res. 135) for the immediate consideration of Senate bill 1881; to the Committee on Rules.

By Mr. BRAND: Memorial of the Legislature of the State of Georgia, asking Congress to provide the rural credit land banks ample funds to meet the financial needs of the farmers; to the Committee on Banking and Currency.

By Mr. CRISP: Memorial of the Legislature of the State of Georgia, asking Congress to provide the rural credit land banks ample funds to meet the financial needs of the farmers; to the Committee on Banking and Currency.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 7403) granting a pension to Albertina L. McAllister; to the Committee on Invalid Pensions.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 7404) authorizing the Secretary of War to donate to the city of Claremore, State of Oklahoma, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. CONNALLY of Texas: A bill (H. R. 7405) for the relief of Mrs. John P. Hopkins; to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 7406) granting an increase of pension to John Hester; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 7407) to provide for a survey of Tampa and Hillsborough Bays, Fla., with a view to securing increased depth and width in the channel from the Gulf of Mexico through Tampa and Hillsborough Bays to the head of the estuary in the city of Tampa; to the Committee on Rivers and Harbors.

By Mr. FENN: A bill (H. R. 7408) granting an increase of pension to Esteller Barrows; to the Committee on Invalid Pensions.

By Mr. GENSMAN: A bill (H. R. 7409) granting an increase of pension to Peter F. Weasel; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 7410) granting an increase of pension to James G. Fallansbee; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 7411) granting an increase of pension to Lawrence L. Dunning; to the Committee on Pensions.

Also, a bill (H. R. 7412) granting an increase of pension to Lida S. Williams; to the Committee on Pensions.

By Mr. LUFKIN: A bill (H. R. 7413) granting an increase of pension to Maria D. Dyer; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 7414) for the relief of William G. Phelps; to the Committee on Military Affairs.

By Mr. McPHERSON: A bill (H. R. 7415) to correct and amend the service and military record of Herbert Langley, United States Marine Corps; to the Committee on Naval Affairs.

Also, a bill (H. R. 7416) granting a pension to John H. Mooney; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 7417) granting an increase of pension to Robert T. C. Blevins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7418) to correct the military record of Henry T. Nave; to the Committee on Military Affairs.

By Mr. RYAN: A bill (H. R. 7419) granting a pension to James J. McTernan; to the Committee on Pensions.

By Mr. SMITH: A bill (H. R. 7420) granting a pension to Richard King; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 7421) granting a pension to James J. O'Shea; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 7422) granting a pension to Nathan L. Smith; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 7423) granting a pension to Orpha Young; to the Committee on Pensions.

Also, a bill (H. R. 7424) granting a pension to Minnie A. Andrews; to the Committee on Invalid Pensions.

By Mr. WEBSTER: A bill (H. R. 7425) for the relief of Zah Barmon; to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1582. By the SPEAKER (by request): Resolutions of the General Eldership of the Churches of God, at session held at North Liberty, Iowa, May 19 to 23, 1921, urging legislation to prevent beer for medicine and other purposes; to the Committee on the Judiciary.

1583. Also (by request), petition of Mrs. D. D. Dean and 334 others, of the second congressional district, and A. J. Luckey and 81 others, of the fifth congressional district, all in the State of Kansas, urging recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1584. Also (by request), resolution of Local Union No. 307, of Oklahoma, of the Farmers' Educational Cooperative Union of America, urging Congress and the President to call a conference of nations for the purpose of disarmament; to the Committee on Foreign Affairs.

1585. Also (by request), petition of Mrs. J. C. Ryan and 178 others, of the State of North Dakota, and 2,610 citizens of the cities of Akron, Cuyahoga Falls, Kenmore, Kent, Barberton, and Lorain, all in the fourteenth Ohio congressional district, urging recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1586. Also (by request), petition of James Hogan and 689 others, of the fifth congressional district of Connecticut, urging recognition of the republic of Ireland; to the Committee on Foreign Affairs.

1587. By Mr. BARBOUR: Petition signed by residents of the city of Bakersfield, Calif., urging consideration of the Towner-Sterling bill (H. R. 7); to the Committee on Education.

1588. By Mr. BRIGGS: Telegram from J. C. Thomas, county superintendent of Walker County, Tex., advocating support of the Fess home economics amendment to the Smith-Hughes Act; to the Committee on Education.

1589. Also, petition of G. W. Robinson, secretary-treasurer Automobile Trades Association, urging the passage of the Townsend highway bill; to the Committee on Roads.

1590. Also, petition of Mr. R. T. Ellis, secretary Texas State Teachers' Association, headquarters, Fort Worth, Tex., relative to Towner-Sterling bill; to the Committee on Education.

1591. Also, petition of L. E. Boddecker, of Galveston, Tex., protesting against the passage of the McFadden-Kenyon bill; to the Committee on Banking and Currency.

1592. Also, request of W. H. H. Owens, of Galveston, Tex., for postponement of increase in second-class mail rates until inquiry into cost of handling newspaper can be made; to the Committee on the Post Office and Post Roads.

1593. By Mr. CULLEN: Resolution of the Savings Bank Association of the State of New York, relative to taxation; to the Committee on Ways and Means.

1594. By Mr. EDMONDS: Petition of Philadelphia Board of Trade, expressing opposition to House bill 5574; to the Committee on Ways and Means.

1595. Also, petition of Philadelphia Board of Trade, expressing approval of House bill 6613; to the Committee on Interstate and Foreign Commerce.

1596. By Mr. HERSEY: Resolution passed by the Congregational Church of Presque Isle, Me., by Rev. J. C. Gregory, pastor, urging relief for the Armenians; to the Committee on Foreign Affairs.

1597. By Mr. HICKEY: Petition of citizens of Notre Dame, Ind., asking for the recognition of the Irish republic by the United States; to the Committee on Foreign Affairs.

1598. By Mr. KELLY of Pennsylvania: Petition of Pittsburgh Teachers' Association, favoring establishment of a department of education; to the Committee on Education.

1599. Also, petition of the Pittsburgh Teachers' Association, favoring uniform marriage and divorce laws; to the Committee on the Judiciary.

1600. By Mr. KINDRED: Letter of J. S. Otis inclosing copy of a letter mailed to the principal daily newspapers of New York State in regard to a law compelling manufacturers of furniture to label it the same as is done with food and medicines under the United States pure food and drug act; to the Committee on Interstate and Foreign Commerce.

1601. Also, petition of Dykeman & Hertz, importers, of New York City, opposing House bill 6752; to the Committee on the Judiciary.

1602. Also, resolution of the New York Board of Trade and Transportation, New York City, opposing House joint resolution 124; to the Committee on Ways and Means.

1603. By Mr. KISSEL: Petition of 89 residents of the third New York congressional district, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

1604. Also, petition of 114 New York City residents, urging the passage of House joint resolution 18; to the Committee on the Judiciary.

1605. Also, petition of A. M. Taylor, of Brooklyn, N. Y., for the relief of people in the near East; to the Committee on Foreign Affairs.

1606. By Mr. LARSON of Minnesota: Resolution adopted by the Twenty-sixth Annual Convention of the Protestant Episcopal Church in the diocese of Duluth, favoring disarmament by international agreement; to the Committee on Foreign Affairs.

1607. By Mr. OSBORNE: Petition of 2,291 employees of the Pacific Electric Railway Co., Los Angeles, Calif., urging approval by Congress of appropriations for naval bases on the Pacific coast; to the Committee on Appropriations.

1608. By Mr. RAKER: Petitions of George Hampton and J. B. Blanchard, of Gerber; Gustave Brenner and Marcus Lafee, of San Francisco; W. K. McFarland, of Jackson; James A. Arkin and F. E. Woodworth, of Portola; Alfred I. Baker, of Susanville; J. R. Roakaird, of Westwood; W. A. Buckman, of Greenwood; D. E. Matteson, of Grass Valley; George L. Pemberton, of Lincoln; A. J. Berg, of Ione; C. A. Berry, of West Point; R. W. Hawley, of Placerville; Z. Sprague, J. S. Giles, and Fred D. Baird, of Roseville; and M. Purcell, of Weed; all in the State of California, indorsing House bill 7 and Senate bill 1252; to the Committee on Education.

1609. Also, letter and resolutions adopted at the annual convention of the California Federation of Post Office Clerks; to the Committee on the Post Office and Post Roads.

1610. By Miss ROBERTSON: Petition of citizens of Hulbert and Ardmore, Okla., urging relief for the Armenians; to the Committee on Foreign Affairs.

1611. By Mr. ROSSDALE: Petition opposing the Volstead Act in favor of enactment of House bill 3208, introduced by Hon. John Philip Hill, repealing the Volstead Act; to the Committee on the Judiciary.

1612. By Mr. SINCLAIR: Letter from Hon. R. H. Walker, of Yucca, N. Dak., on behalf of 300 citizens of Slope County, urging a reduction in naval armament; to the Committee on Foreign Affairs.

1613. Also, petition of dairy and food officials of North Central States Association protesting against Senate bill 1887; also petition of same organization indorsing House bill 4981; to the Committee on Agriculture.

1614. By Mr. SNYDER: Petition of Friends of Irish Freedom, Utica, N. Y., favoring the collection of indebtedness due the United States by other nations, and the disarmament of nations; to the Committee on Foreign Affairs.

1615. By Mr. STINESS: Memorial of Slocum Post No. 10, Grand Army of the Republic, Department of Rhode Island, urging the passage of pension legislation increasing the pension of Civil War veterans and the widows of Civil War veterans; to the Committee on Invalid Pensions.

1616. By Mr. VARE: Petition of Philadelphia Board of Trade relative to the importance of early revision of revenue legislation; to the Committee on Ways and Means.

1617. Also, petition of Second Baptist Church, of Germantown, Philadelphia, Pa., relative to disarmament; to the Committee on Foreign Affairs.

1618. By Mr. WOODS of Virginia: Petition of retail coal dealers of Roanoke, Va., opposing the Frelinghuysen bill and others tending to regulate the coal industry; to the Committee on Interstate and Foreign Commerce.

1619. By Mr. WOODYARD: Petition of citizens of West Virginia relative to labeling of manufactured goods and fabrics; to the Committee on Interstate and Foreign Commerce.

---

## SENATE.

TUESDAY, *June 28, 1921.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we bless Thee this morning, Thou Holy One, who dost inhabit eternity and yet condescend to dwell in the humble and contrite heart, making for Thyself a habitation of our spirit. Grant unto us this knowledge this morning to such an extent that we may be indeed under Thy guidance and fulfill Thy good pleasure. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS 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. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 7294) supplemental to the national prohibition act, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (S. 1072) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the Speaker of the House had signed the following enrolled bills:

S. 1019. An act authorizing the Secretary of War to furnish free transportation and subsistence from Europe and Siberia to the United States for certain destitute discharged soldiers and their wives and children;

H. R. 6652. An act to extend the time for the construction of a bridge across the Arkansas River in Muskogee County, Okla.; and

H. R. 6653. An act to extend the time for the construction of a bridge across the Arkansas River at a point near Webbers Falls, in Muskogee County, Okla.

### AMERICAN LEGION POSTS IN FRANCE.

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to have inserted in the RECORD a letter relating to a statement made by me recently in regard to the number of American soldiers' organizations in foreign countries. The information that this letter contains will indicate to what extent our veterans have banded themselves all over the world for mutual comradeship and benefit.

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

The letter is as follows:

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
*Washington, D. C., June 25, 1921.*

Hon. DAVID I. WALSH,
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR: A speech made by you, which appeared on pages 2416 and 2417 of the CONGRESSIONAL RECORD, has been called to my attention, the statement being that "Post No. 605, Veterans of Foreign Wars, located in Paris, is the only post of American soldiers located in foreign countries."

I desire to correct this impression that you have, as the American Legion not only has several posts in France and several in England but also posts in every foreign country in the world. This is merely for your information.

I beg to remain,
Sincerely, JOHN THOMAS TAYLOR,
*Vice Chairman National Legislative Committee.*

### PETITIONS.

Mr. MOSES presented a resolution of sundry members of St. Matthews Church, of Goffstown, N. H., favoring the affording of relief to the imperiled peoples of the Near East, particularly of Armenia, which was referred to the Committee on Foreign Relations.

Mr. WILLIS presented a resolution adopted at a mass meeting of citizens at Defiance, Ohio, June 25, 1921, favoring the recognition of the republic of Ireland by the United States, which was referred to the Committee on Foreign Relations.

He also presented 87 petitions of 2,610 citizens of Akron, Cuyahoga Falls, Kenmore, Kent, Barberton, and Lorain, all in the State of Ohio, favoring the recognition of the republic of Ireland by the United States, which were referred to the Committee on Foreign Relations.

Mr. LADD presented a resolution adopted at a mass meeting of citizens of Yucca, N. Dak., June 18, 1921, favoring the calling of an international disarmament conference, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Napoleon, N. Dak., praying for the recognition of the republic of Ireland by the United States, which was referred to the Committee on Foreign Relations.

Mr. PHIPPS presented a resolution adopted at a meeting of the board of directors of the Delta Chamber of Commerce, of Delta, Colo., June 16, 1921, favoring the granting of some form of financial relief to the live-stock industry of the western United States, which was referred to the Committee on Agriculture and Forestry.

### CONDITIONS IN IRELAND.

Mr. WALSH of Massachusetts. Mr. President, I ask to have printed in the RECORD a very strong letter in support of a resolution now pending before a committee of the Senate by Alice Stone Blackwell, the daughter of one of America's great women and herself a journalist of distinction and a leader in the suffrage and all other movements for the elevation and progress of women. Miss Blackwell has also been deeply interested in the causes of suffering and persecuted peoples throughout the world.

This letter was recently published in the Christian Register, a religious paper of influence and wide circulation in Boston and New England.

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

IRELAND.

To the EDITOR OF THE CHRISTIAN REGISTER:

Abraham Lincoln drafted the following resolution at a meeting held on September 12, 1849, when Hungary was trying in vain to set up a republic:

*Resolved*, That in their present glorious struggle for liberty, Hungarians command our highest admiration and have our warmest sympathy.

That they have our most ardent prayers for their speedy triumph and final success.

That the Government of the United States should acknowledge the independence of Hungary as a nation of freemen at the very earliest moment consistent with our amicable relations with the government against which they are contending.

Thomas Jefferson, when Secretary of State, wrote, as official spokesman for President Washington, to the United States minister to France, on November 7, 1792:

It accords with our principles to acknowledge any government to be rightful which is formed by the will of the nation substantially declared.

Lloyd-George said to the House of Commons after the Irish elections of 1918:

If you asked the people of Ireland what they would accept, by an emphatic majority they would say, "We want independence and an Irish republic." There is absolutely no doubt about that. The elected representatives of Ireland now by a clear, definite majority have declared in favor of independence.

Another election has just shown the same thing. According to the principles of Washington and Jefferson, the case for recognition of the Irish republic is complete.

We recognized Cuba and all the other Latin-American Republics that struggled to free themselves from Spain; we have recognized the Republic of Panama and the Republic of Armenia.

No doubt the thought expressed in the last clause of Lincoln's resolution will carry much weight; but even those who feel that we can not recognize the Irish republic ought to wish that we could.

The case of our Confederate States, often quoted in this connection, is not a parallel. The Confederate States had entered the Union of their own free will. They were like a woman who